

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: September 8, 2015

SUBJECT: Offer to purchase tax-foreclosed property

PRESENTER: Russ Burrell, County Attorney

ATTACHMENTS: Yes

1. Offer to purchase tax foreclosed property
2. Supporting documents

SUMMARY OF REQUEST:

Maira Alas offered to purchase a parcel of real estate which was subjected to a tax foreclosure by the County.

The property is located on Quiet Pine Lane, and described as lots 6 and 7 of the Corn Mountain Estate Subdivision, with parcel identification number 9929233 (PIN 9589190630), with a tax value of \$11,900.00. The offered price is the sum of Three Thousand Dollars (\$3,000.00).

This property was originally foreclosed by the County in 1988. 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 least expensive newspaper qualifying for legal publication, and further subject to a ten-day period for upset bids. Although not required, as a courtesy it is the custom of the County to also give regular mail notice to adjoining property owners at addresses shown on GIS.

If an upset bid is received, a new advertisement is placed, and the process continues until the bidding ends. Once done, or if no upset bids are received, the matter comes back to this board for a final decision on the sale.

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 Maira Alas 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 conditions stated in this agenda item.

**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 _____ Dollars (\$ 3000) 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 _____, described in such foreclosure as Henderson County 713/453.

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 _____ 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 7 day of 7, 2015

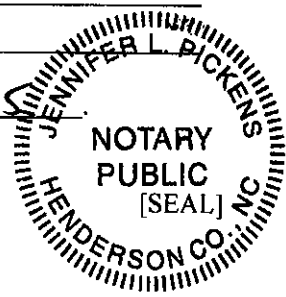
[Signature] (Seal)
Signature
Print Name: MAIRA ALAS

Signature
Print Name: _____
Address: _____

Sworn to and subscribed before me this the 7th day of July, 2015

[Signature]
Notary Public

My Commission Expires:





Henderson County, North Carolina
Code Enforcement Services

Maira Alas
PO BOX 1182
Dana NC 28724

RE: Adjacent Property

Dear Ms. Alas;

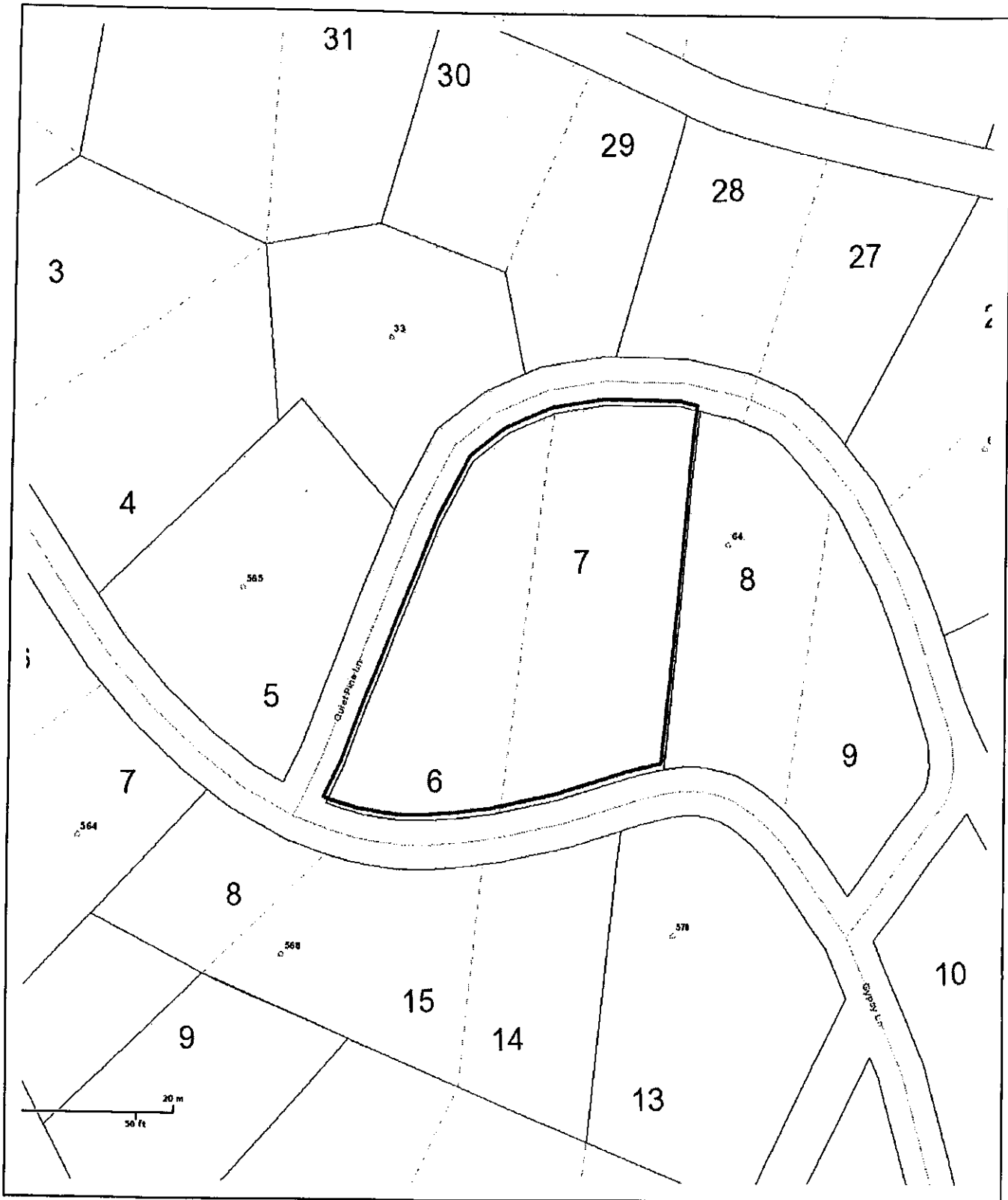
Please find attached an offer to purchase the property across Quiet Pine Ln across from your property. You must fill in the offer amount. If the Board of Commissioners accepts the offer, you must pay 5% of the offer up front plus \$200 for the required advertisement. Then the property will enter a 10-day upset process in which others might offer to buy the property.

Please let me know if you have any questions,

A handwritten signature in cursive script that reads "Toby Linville".

Toby Linville

Toby Linville
Director, Code Enforcement Services
100 N King St.
Hendersonville, North Carolina 28792
tlinville@hendersoncountync.org
www.hendersoncountync.org
828-694-6627



Parcel, Quiet Pine Lane



Printed: Jul 15, 2015

WARNING: THIS IS NOT A SURVEY. All information or data provided (whether subscribed, purchased or otherwise distributed) is provided as is, without any warranties, including the warranties of merchantability or of fitness for a particular purpose. Henderson County and its employees make no warranties or guarantees, either express or implied. Use of the information or data subscribed, purchased or otherwise distributed, whether in hard copy or digital media, shall be at the user's own risk.