

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: November 4, 2019

SUBJECT: Offer to purchase tax-foreclosed property

PRESENTER: Charles Russell Burrell

ATTACHMENT(S): Cover letter, offer, GIS map

SUMMARY OF REQUEST:

Dustin J. Holland, on behalf of Diamond Falls Preserve, LLC, has offered to purchase 4.37 acres on Firemender Valley Trail (off Little Creek Road, near Chimney Rock State Park in the northeastern portion of Henderson County). The offer includes a purchase price of \$7,500.00, a deposit toward that price of \$500.00, plus an additional deposit for advertising fees of \$200.00.

Henderson County obtained its interest in this property via a tax foreclosure sale in 1987. 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 newspaper advertisement, and further subject to 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 before 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.

BOARD ACTION REQUESTED:

Provisional acceptance of this offer.

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

I move that the Board give provisional acceptance to this offer, subject to upset bids.

October 21, 2019

Mr. Russ Burrell
County Attorney
Henderson County North Carolina
1 Historic Courthouse, Suite 5
Hendersonville, NC 28792

Re: Offer to Purchase Foreclosed Property

Dear Mr. Burrell:

On behalf of Diamond Falls Preserve, LLC, I am pleased to submit an offer to purchase tax foreclosed property with the REID of 501768.

This property is approximately 4.37 acres of non-usable mountain land that is nearby our existing tracts of land that encompass over 170 acres. The street address for our mountain home is 1608 Edney Inn, Hendersonville, NC 28792. When our family is not enjoying the property for personal use, we rent the property and it has quickly become a favorite among our guests.

After visiting this site earlier this month, I noticed that several bulky large appliances have been dumped down the ravine on this vacant property. If we are the successful bidder for this property, we would take measures to remove this unwanted junk.

Earlier this year, we purchased a 50% interest in a ~140 acre tract of land adjacent to Diamond Falls and we are working on additional property acquisitions to preserve and protect our land from future development.

I am hopeful that the Board of Commissioners agree to allow us to have an opportunity to acquire this idle land and convert it back on to Henderson County's Tax roster.

Thank you for your consideration and please contact me with any questions. I can be reached directly at 678.793.8446.

Sincerely,



Dustin J. Holland

Mailing address:
51271 Northhill CT
Granger, IN 46530

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 seven thousand five hundred dollars - Dollars (\$ 7,500.00) 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 Shupe Jr, Ray C., described in such foreclosure as REID: 501760; 4.37 acres; no assigned address.

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 five hundred dollars Dollars (\$ 500.00), 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 19 day of October, 2019.

[Signature] (Seal)
Signature

Print Name: DUSTIN HOLLAND
on behalf of Diamond Falls Preserve, LLC.*

Signature

Print Name: _____:

Address: 51271 Northhill CT
Granger IN 46530

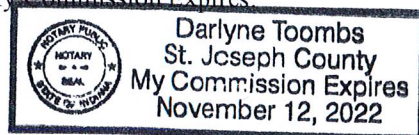
* street address:
1608 Edney Inn Road
Hendersonville, NC 28792

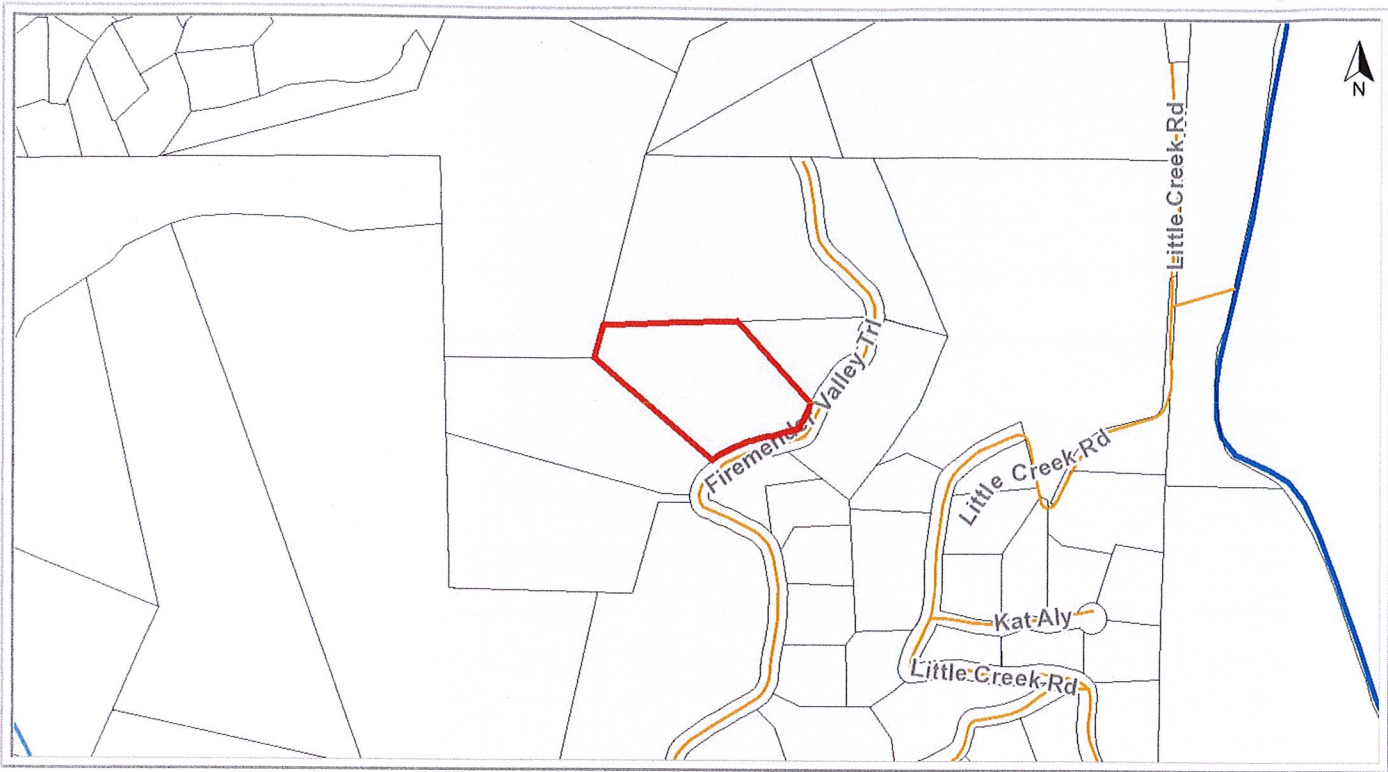
mailing

Sworn to and subscribed before me this the 19 day of Oct, 2019.

Darlyne Toombs
Notary Public

My Commission Expires: [SEAL]





WARNING: THIS IS NOT A SURVEY

Parcel Information

REID:	501768	Pin:	0622255169
Listed to:	HENDERSON COUNTY;SHUPE JR, RAY C	Neighborhood:	EDNEYVILLE
Mailing Address:	1 HISTORIC COURTHOUSE SQUARE	Township:	Edneyville
Mailing City, State, Zip:	HENDERSONVILLE, NC 28792	Municipality:	
Physical Address:	0 NO ADDRESS ASSIGNED	Tax District:	EDNEYVILLE FIRE
Deed:	000705/00071	Plat:	Not Available
Date Recorded:	1987-08-26 00:01:00.0	Elementary School District:	EDNEYVILLE
Revenue Stamps:	0	Middle School District:	APPLE VALLEY MIDDLE
County Zoning:	R3	High School District:	NORTH HIGH
Property Description:	L#6,8 MTN LAND	Soil:	Clifton (evard) stony loam, 25 to 45 percent slopes
Map Sheet:	0622.00	Voting Precinct:	Bat Cave
Assessed Acreage:	4.37000000	Commissioner District	4
Building Value:	\$0.00	Agricultural District	None Found
Land Value:	\$57,000.00	North Carolina House District	117
Value To Be Billed:	\$57,000.00	U.S. House District	11
North Carolina Senate District	48	Flood Zone:	Zone X, Not Shaded (Areas outside of the floodplain)



Henderson County
Geographic Information Systems (GIS)
200 North Grove Street
Hendersonville, NC 28792
P: (828) 698-5124
F: (828) 698-5122

THIS IS NOT A SURVEY.

All information or data provided, whether subscribed, purchased or otherwise distributed, whether in hard copy or digital media, shall be at the user's own risk. Henderson County makes no warranties or guarantees, including the warranties of merchantability or of fitness for a particular purpose. Map data is not appropriate for, and is not to be used as, a geodetic, legal, or engineering base system. The data is not intended as a substitute for surveyed locations such as can be determined by a registered Public Land Surveyor, and does not meet the minimum accuracy standards of a Land Information System/Geographic Information System Survey in North Carolina (21 NCAC 56.1608).