



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: February 14, 2018

Department: Finance Agenda Planning Date: 2/8/18 Time required: Consent

Audio/Visual aids

Contact: Jeff White, Chief Financial Officer Phone: Ext. 4433

Department Head Signature: Jeff White

Table with 2 columns: Label (TITLE, Issue, Description & Background, Financial Impacts, etc.) and Content (Sale of tax foreclosed property, Real Property Tax Account #R49418, etc.)

Copies of completed paperwork sent to the following: (Include names and e-mail addresses.)

Copies to: Jeff White, Chief Financial Officer - JDWhite@co.marion.or.us

Grantor's Name:

**Marion County**

After recording return and send all tax statements to:

Grantee:

**Deutsche Bank National  
C/O HomEq Servicing  
701 Corporate Center Drive  
MC NC4743  
Raleigh, NC 27607**

## QUITCLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS, that **MARION COUNTY, a Political Subdivision of the State of Oregon**, hereinafter called grantor, for the consideration hereinafter stated, does hereby remise, release and quitclaim unto, **Deutsche Bank National**, hereinafter called grantee and unto grantee's heirs, successors and assigns all of the grantor's right, title, and interest in that certain real property with the tenements, hereditaments and appurtenances there unto belonging or in any way appertaining, situated in the **County of Marion, State of Oregon**, as described:

Tax ID #R49418

LOT 9, EXCEPT THE WEST 105.6 FEET THEREOF. OF HAYES LABISH FARM SUBDIVISION NO. 1. MARION COUNTY, OREGON

To Have and to Hold the same unto the grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is **\$9,049.16**.

In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 14<sup>th</sup> day of February 2018; if a corporate grantor, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized thereto by order of its board of directors.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER THE ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES 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 THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY CONTAIN ENVIRONMENTAL HAZARDS, CONTAMINATION, AND/OR WETLANDS. SELLER ASSUMES NO RESPONSIBILITY AND IS IN NO WAY LIABLE FOR ANY CLEANUP, ABATEMENT, MITIGATION, REMEDIATION OR OTHER ACTIONS IN CONNECTION WITH THESE POSSIBLE CONDITIONS.

MARION COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
COMMISSIONER

\_\_\_\_\_  
COMMISSIONER

STATE OF OREGON )  
  ) ss  
County of Marion . . . )

This instrument was acknowledged before me on \_\_\_\_\_, 2018

By \_\_\_\_\_

\_\_\_\_\_  
as Marion County Commissioners.

\_\_\_\_\_  
Notary Public for Oregon

# HOUSER

December 13, 2017

**Via email to Scott Norris <SNorris@co.marion.or.us>**

Marion County Board of Commissioners

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Salem, OR 97301

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**RE: Masaligin, 7681 Rambler Dr. NE, Salem OR 97305  
Tax Lot: R49418**

Marion County Board of Commissioners,

We write on behalf of Ocwen Loan Servicing, LLC ("Ocwen"), servicer for Deutsche Bank National Trust Company as Trustee under Pooling and Servicing Agreement Dated as of July 1, 2005 Morgan Stanley ABS Capital I Inc. Trust 2005-HE3 Mortgage Pass Through Certificates, Series 2005-HE3 ("Deutsche Bank as Trustee"), to request that the County resell the property to Deutsche Bank as Trustee, pursuant to ORS 275.180. The property is identified by account number R49418, and was previously foreclosed by Marion County and sold in a tax sale for non-payment of taxes.

As background, at the time that Deutsche Bank as Trustee came into ownership of the subject parcel and the adjoining parcel (R49420) by way of a trustee sale, the first position loan secured by those parcels was being serviced by HomeEq, the prior servicer. In approximately September, 2010, Ocwen began servicing the loan for Deutsche Bank as Trustee. Ocwen continued to handle the escrow account, which it intended to cover both parcels R49418 and R49420, but for unknown reasons parcel R49418 was not identified in Ocwen's system. It appears that the prior servicer did not convey the information regarding parcel R49418 to Ocwen. In either event, this led to non-payment of taxes on the subject parcel, which is a largely vacant lot next to the lot with the borrower's home, while payments continued on the main parcel. However, both Ocwen and the borrower's intention was to keep the taxes current on both lots.

Once it came to Ocwen and the Borrower's attention, Ocwen has promptly acted to address the situation. Ocwen, on behalf of Deutsche Bank as Trustee, now seeks to recover the parcel of land lost in the foreclosure sale, so that it can then return the entirety of the two parcel's previously owned by the borrower back to the borrower, who has modified his loan to avoid the previously pending foreclosure. If this property is not sold back to Deutsche Bank as Trustee, the borrower, due to no fault of his own, stands to lose a portion of his property permanently.

For these reasons, we request that the County sell back the subject property to Deutsche Bank. Ocwen has issued a check in the amount of the payoff previously provided to the County, so the process will be quick and efficient. Please let us know if you have any

questions or require any further information.

**Houser & Allison, APC**

  
Amber L. Labrecque, Esq.