

# REQUEST FOR BOARD ACTION

## HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** 18 September 2019

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

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

**PRESENTER:** Charles Russell Burrell

### SUMMARY OF REQUEST:

Clarence Baldwin and Angela Baldwin have offered to purchase a parcel of real estate which was subjected to a tax foreclosure by the County.

The property is located on Texas Street, and described as lots 4 and 12, Block 20, of Osceola Lake Park subdivision., with real estate identification number 9937439 (PIN 9567397763), with a tax value of \$9,800.00. The offered price is the sum of One Thousand Five Hundred Dollars (\$1,500.00).

This property was originally foreclosed by the County in 1960. 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.

### PROPOSED BOARD ACTION:

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

***I move that the Board provisionally accept the offer of Clarence Baldwin and Angela Baldwin 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.***

LAWRENCE D. WINSON, Attorney-At-Law  
140 4<sup>th</sup> Avenue West, Suite 102 ♦ Hendersonville, NC 28792 ♦ USA  
♦ Fax (828) 693-4858 ♦ Local (828) 693-4939 ♦ E-mail [winsonlaw@winsonlaw.com](mailto:winsonlaw@winsonlaw.com)  
Bar Memberships: Florida and North Carolina

August 23, 2019

Charles Russell Burrell  
Henderson County Attorney  
1 Historic Courthouse Sq., Ste 5  
Hendersonville, NC 28792

Re: 108 Texas St. – Lot 4 and 12, Block 20 OSCEOLA LAKE PARK

Dear County Attorney Burrell:

As you may know, this office represents Angela and Clarence Baldwin. Mr. and Mrs. Baldwin have asked us to assist them in gaining access to the City of Hendersonville water system from their property located at 68 Texas Street. The subject lot is positioned between their property and the access point to the water system, so either an easement across the subject lot will be required, which is their preference, or they must purchase it from the County.

Over the past several months we have been communicating with the Offices of Henderson County Land Records and Tax Department to determine the ownership of the subject lot. In reviewing applicable records we found that it was determined that the lot is owned by the County, as confirmed by our title search; I understand that your office has arrived at the same conclusion. This is based on that certain Sheriff's Deed dated September 21, 1960 and filed of record in Deed Book 387 at Page 511, Henderson County Registry.

Accordingly, we were advised to contact you with the attached **INITIAL OFFER TO PURCHASE TAX FORECLOSED PROPERTY**. I understand that upon receipt of this offer that the County is obligated to advertise the real property for upset bid pursuant to N.C. Gen. Stat. § 160A-269.

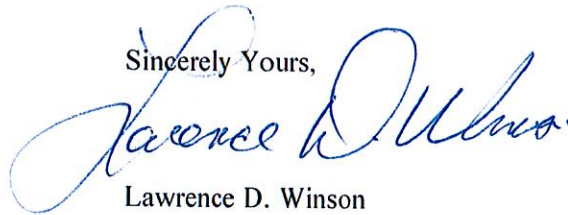
In preparing this offer, notwithstanding the tax appraised value, we considered several factors, including whether the subject lot is marketable for use other than for the purposes expressed herein, i.e., to access the City of Hendersonville water system. Additionally, a ditch running the length of the property would have to be addressed before adding any improvements. Although I have not researched the applicable building restrictions, the size and shape of the lot raises questions as to whether it is even buildable. Accordingly, in our opinion it is unlikely that the lot is marketable for residential purposes.

Our analysis necessarily included concerns as to costs to tie into the water system, including tap fees of approximately \$1,300.00, and the cost of running an access line

from Mr. and Mrs. Baldwin's property across the subject lot at a minimum cost of \$1,500.00. Although our clients could attempt to dig a well on their property at an estimated cost of \$5,000.00, their preference is to tie into the Hendersonville system. Based on these projected costs and the concerns regarding the use and attendant marketability of the property otherwise, Mr. and Mrs. Baldwin sincerely feel that their offer of \$1,500.00 is fair and reasonable.

We will appreciate the Board of Commissioner's serious consideration of my Clients' good faith offer. If you require any additional information or documentation please let me know and I'll make every reasonable effort to comply. If you would like me, and/or Mr. and Mrs. Baldwin, to attend the meeting at which this proposal is considered, please let me know and we'll be pleased to do so and field any questions which may arise. In the meantime, I'm available if you have any questions or comments regarding this proposal. Thank you.

Sincerely Yours,

A handwritten signature in blue ink that reads "Lawrence D. Winson". The signature is fluid and cursive, with a large initial "L" and "W".

Lawrence D. Winson

LDW/jbw  
Enclosures

cc. Mr. and Mrs. C. Baldwin

**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 ONE THOUSAND FIVE HUNDRED AND 00/100 Dollars (\$1,500.00) 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 nonpayment 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 Thomas H. Franks, described in such foreclosure as 1215 Third Avenue, West, Hendersonville, N.C. 20 lots (4-12, Block 20) Osceola Lake.

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 AND 00/100 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 27<sup>th</sup> day of August, 2019.

 (Seal)

Signature: Clarence Baldwin  
Address: 70 Texas Street  
Hendersonville, NC 28739

 (Seal)

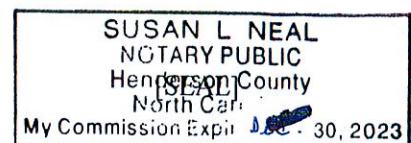
Signature: Angela Baldwin  
Address: 70 Texas Street  
Hendersonville, NC 28739

Sworn to and subscribed before me this the 27<sup>th</sup> day of August, 2019.

  
Notary Public:

My Commission Expires:

12/30/2023





**WARNING: THIS IS NOT A SURVEY**

Parcel Information

<b>REID:</b>	9937439	<b>Pin:</b>	9567397763
<b>Listed to:</b>	UNKNOWN OWNER	<b>Neighborhood:</b>	OSCEOLA LAKE PARK
<b>Mailing Address:</b>	200 N GROVE ST	<b>Township:</b>	Hendersonville
<b>Mailing City, State, Zip:</b>	HENDERSONVILLE, NC 28792	<b>Municipality:</b>	
<b>Physical Address:</b>	108 TEXAS ST	<b>Tax District:</b>	VALLEY HILL FIRE
<b>Deed:</b>	00000B/0055A	<b>Plat:</b>	B 055A
<b>Date Recorded:</b>	1989-04-17 00:02:00.0	<b>Elementary School District:</b>	ATKINSON
<b>Revenue Stamps:</b>	0	<b>Middle School District:</b>	FLAT ROCK MIDDLE
<b>County Zoning:</b>	Cities	<b>High School District:</b>	EAST HIGH
<b>Property Description:</b>	OSCEOLA LAKE PARK LO4 & 12 BL20 BMB-055A	<b>Soil:</b>	Hayesville loam, 7 to 15 percent slopes
<b>Map Sheet:</b>	9567.06	<b>Voting Precinct:</b>	Southwest
<b>Assessed Acreage:</b>	0.20000000	<b>Commissioner District</b>	1
<b>Building Value:</b>	\$0.00	<b>Agricultural District</b>	None Found
<b>Land Value:</b>	\$9,600.00	<b>North Carolina House District</b>	117
<b>Value To Be Billed:</b>	\$9,600.00	<b>U.S. House District</b>	11
<b>North Carolina Senate District</b>	48	<b>Flood Zone:</b>	Zone X, Not Shaded (Areas outside of the floodplain)



Henderson County  
Geographic Information Systems (GIS)  
200 North Grove Street  
Hendersonville, NC 28792  
P: (828) 898-5124  
F: (828) 698-5122

**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.



# Property Summary

Tax Year: 2019 - Value subject to change, property assessment under review

<b>REID</b>	9937439	<b>PIN</b>	9567-39-7763	<b>Property Owner</b>
<b>Location Address</b>	108 TEXAS ST	<b>Property Description</b>	OSCEOLA LAKE PARK LO4 & 12 BL20 BMB-055A	<b>Owner's Mailing Address</b>

<b>Administrative Data</b>		<b>Transfer Information</b>		<b>Property \</b>
<b>Old Map #</b>		<b>Deed Date</b>	9/21/1960	<b>Total Appra</b>
<b>Market Area</b>	145	<b>Deed Book</b>	000387	<b>Total Appra</b>
<b>Township</b>	NA	<b>Deed Page</b>	00511	<b>Total Appra Value</b>
<b>Planning Jurisdiction</b>	COUNTY,HENDERSONVILLE	<b>Revenue Stamps</b>		<b>Total Appra</b>
<b>City</b>		<b>Package Sale Date</b>		<b>Other Exen</b>
<b>Fire District</b>	VALLEY HILL	<b>Package Sale Price</b>		<b>Exemption</b>
<b>Spec District</b>		<b>Land Sale Date</b>		<b>Use Value I</b>
<b>Land Class</b>	VACANT LAND	<b>Land Sale Price</b>		<b>Historic Val</b>
<b>History REID 1</b>		<b>Improvement Summary</b>		<b>Total Deferi</b>
<b>History REID 2</b>		<b>Total Buildings</b>	0	<b>Total Taxab</b>
<b>Acres</b>	0.2	<b>Total Units</b>	0	
<b>Permit Date</b>		<b>Total Living Area</b>	0	
<b>Permit #</b>				

## Building Summary

## Misc Improvements Summary

Card #	Unit Quantity	Measure	Type	Base Price	Eff Year	Phys Depr (% Bad)	Econ Depr (% Bad)	Funct Depr (% Bad)
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No Data

Total Misc Improvements Value Assessed:

## Land Summary

Land Class: VACANT LAND

Deeded Acres: 0

Calculated Ac

Zoning	Soil Class	Description	Size	Rate	Land Adju
R-15		RESIDENTIAL BUILDING	0.20 BY THE ACRE PRICE	\$0	RESTRIC1

Total Land Value Assessed:

## Ownership History

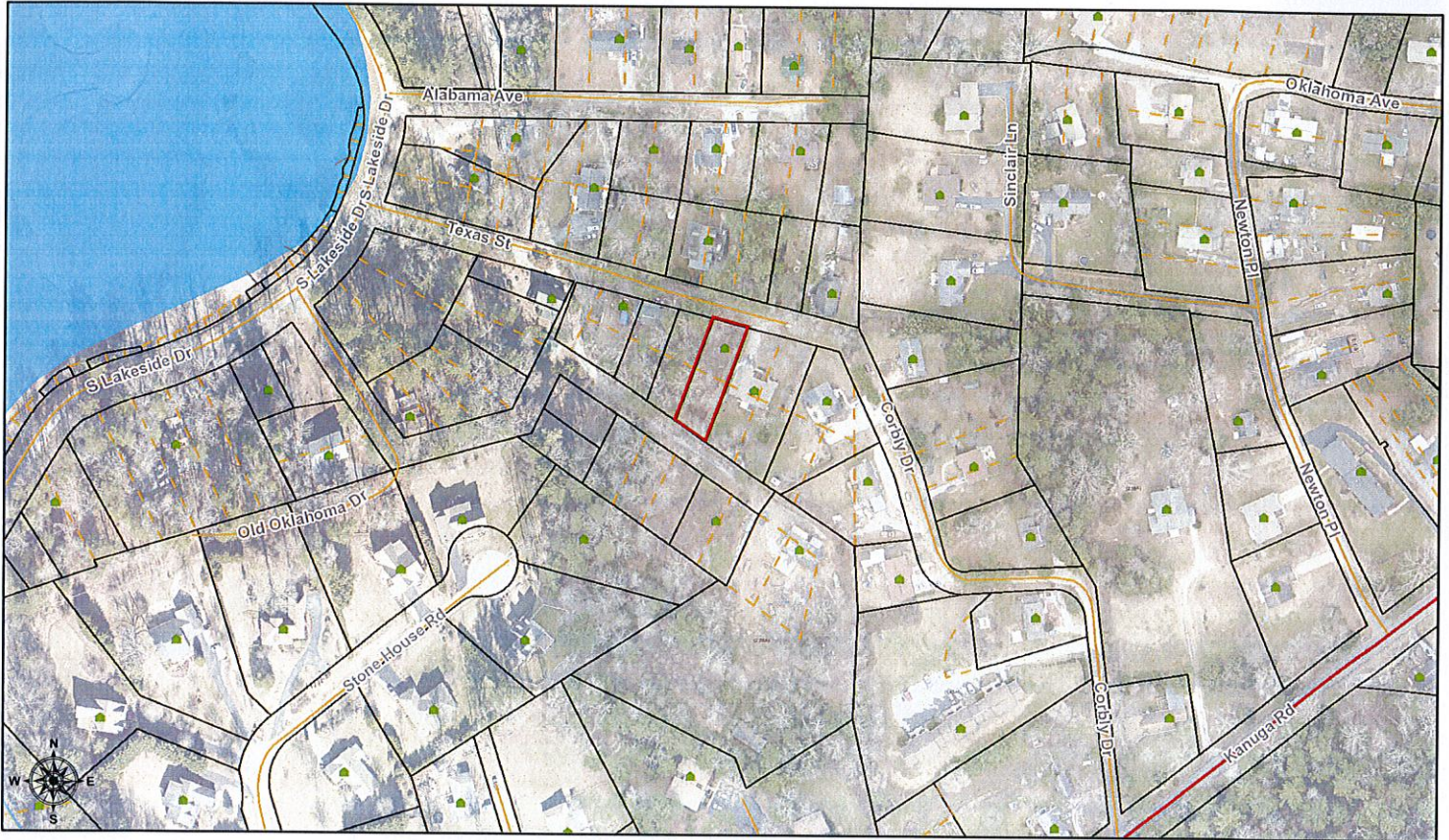
	Owner Name	Deed Type	% Ownership	Stamps	Sale Price
Current	HENDERSON COUNTY	SHERIFF DEED	100	0	
1 Back	MAPPING/ WORK IN PROGRESS	GWD	100	0	

## Notes Summary

Building Card	Date	Line
No Data		



# 108 Texas St.



September 3, 2019

**Streets and Highways**

-  FREEWAY
-  INTERSTATE
-  BOULEVARD
- 

**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).

