

**Auction Property 1**

**VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ROANOKE**

**COUNTY OF ROANOKE, VIRGINIA,** )  
Complainant, )  
)  
vs. ) **Case No. CL21-776**  
)  
**SAUMEL D. GOFF, JR, et al,** )  
Respondents. )

**OFFER OF PURCHASE**

Having been advised by Mark D. Kidd, Special Commissioner, that he is authorized to solicit bids on behalf of the Court for the sale of the property made the subject matter of this cause, described as Roanoke County Tax Map Parcel No. 012.00-01-16.00-0000, I hereby offer on this 24<sup>th</sup> day of September to purchase said property from the Court for the sum of \$\_\_\_\_\_. **I acknowledge this purchase price includes a five percent (5%) bidder's premium.**

I understand that the property is strictly sold "AS IS," "WHERE IS," and "WITH ALL FAULTS;" and that this offer is subject to the approval of the Court. I acknowledge that if this offer is approved and the sale is confirmed by the Court, I will receive a deed with Special Warranty of Title. No warranty of any other type is made. I further acknowledge that a hearing to confirm the sale is scheduled for the October 14<sup>th</sup>, 2021, at 10:00 a.m., before The Honorable Judge James R. Swanson of the Circuit Court for the County of Roanoke, Virginia. I understand that this offer may not be withdrawn by me without leave of Court. I shall tender full payment of the purchase price, in cash or certified funds, to the Special Commissioner within fifteen (15) days following the entry of the Court's Decree confirming the sale.

I understand that this property is being sold subject to any easements, covenants, agreements, restrictions, reservations, and any and all rights of record which may affect the property. I purchase this property subject to the foregoing and without grounds for objection to confirmation of the sale on that basis.

I understand that I will be responsible for any current real estate taxes on this parcel from {00325332-1 }

the date of the auction, September 24, 2021 which shall be prorated. I acknowledge that I am solely responsible for paying any recording costs for deed recordation without offset to the purchase price.

If I fail to tender the full purchase price in cash or certified funds to the Special Commissioner within fifteen (15) days of confirmation of the sale by the Court, I shall be in default. The Special Commissioner, at his sole option and discretion, shall have the election to:

(A) Retain my deposit, void my rights under this Offer of Purchase and void my purchase of the property. The Special Commissioner may then resell the property pursuant to further order of the Circuit Court; or

(B) Retain the deposit and bring an action against me for the specific purpose to compel me to complete the purchase of the property, with discretion in the Court to award attorney fees and costs of suit against me.

\_\_\_\_\_  
Please Print Name

\_\_\_\_\_  
Please Sign Name

\_\_\_\_\_  
Street

\_\_\_\_\_  
City / State / Zip

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Email

**CERTIFICATE**

I hereby acknowledge receipt of a bidder's deposit of \$ \_\_\_\_\_ in the form of \_\_\_\_\_.

\_\_\_\_\_  
Special Commissioner

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**RECIPIENT:** Mark D. Kidd, Esq.  
Osterhoudt, Prillaman, Natt, Helscher, Yost, Maxwell & Ferguson PLC

**RECIPIENT'S CASE NO:** Unknown

**INSOFAR AS THE RECORDS AND INDICES ARE PROPERLY KEPT, TITLE TO THE BELOW DESCRIBED PROPERTY IS VESTED OF RECORD IN:**

Samuel D. Goff, Jr.

**UNDER THE FOLLOWING DEED of Gift:**

**Grantor(s):** James L. Martin, Jr., Trustee

**Dated:** August 7, 2006      **Deed Book & Pg./Inst. No:** 200612840

**THE PROPERTY LIES IN THE COUNTY OF ROANOKE, VIRGINIA. Recordation references are to the Clerk's Office of the Circuit Court thereof unless otherwise stated.**

**BRIEF LEGAL DESCRIPTION:**

New Tract 1-A containing 14.138 acres as shown on the plat recorded in Plat Book 24, page 187

NOTE: See the above referenced deed for a more complete description of the subject property.

**DEEDS OF TRUST:**    (X) NONE

**JUDGMENTS:**

**Dated** January 21, 2018 **docketed** January 30, 2018 **in/as** Judgment Lien No. 201800199 **rendered in favor of** Commonwealth of Virginia **against** Samuel Darryl Goff, Jr. **AND** amendment thereof docketed on January 31, 2018

**JUDGMENTS & FEDERAL LIENS HAVE BEEN CHECKED IN THE NAME OF THE FOLLOWING PURCHASER(S):**

Not applicable – delinquent tax sale

**FINANCING STATEMENTS: (X) NONE**

**TAX & ASSESSMENT INFORMATION:**

**Assessed Owner:** GOFF Samuel D Jr

**Assessed Description:** Tr 1A Resubd & Comb for Brenda D. Martin & James & Paula Martin Catawba

**Tax Map/ID#** 012.00-01-16.00-0000

**Land \$** 71,400 **Improvements \$** 3,300 **Total \$** 74,700

**Annual Amt \$** 814.23 **Taxes Payable on:** June 5 and December 5 of the calendar year

**Taxes Paid Thru:** Calendar year 2016 (12-31-16)

**Delinquent Taxes:** Calendar years 2017, 2018 and 2019

**Taxes a Lien, Not Yet Due:** Calendar year 2020 (1<sup>st</sup> half due 06-05-20)

**Town Taxes, Exemptions, Rollback, Supplementals, Stormwater Fees, Etc:** Stormwater utility fee

**Property Address (not warranted):** 7339 Bending Oak Drive - Catawba

**NOTE:** The above information is based upon the data shown on the printout obtained from the Tax Computer located in the Clerk's Office. The above information is subject to confirmation by the Treasurer's office.

**RESTRICTIONS AND/OR DECLARATIONS: (X) NONE**

**DEEDED EASEMENTS:**

**From:** Alfred C. Smith (no marital status stated)

**To:** The Chesapeake and Potomac Telephone Company

**Dated:** June 10, 1968 **Deed Book & Pg./Inst. No:** 881-580

**From:** James L. Martin and Brenda D. Martin (no marital status stated)

**To:** Craig-Botetourt Electric Cooperative

**Dated:** June 30, 1988 **Deed Book & Pg./Inst. No:** 1291-245

**From:** James L. Martin and Brenda D. Martin, husband and wife

**To:** Craig-Botetourt Electric Cooperative

**Dated:** May 23, 1991 **Deed Book & Pg./Inst. No:** 1349-265

**ITEMS SHOWN ON PLAT OF SUBDIVISION of \_\_\_ recorded in/as \_\_\_:** No standard subdivision plat

**ITEMS SHOWN ON OTHER PLATS OF RECORD as follows:**

1. Plat of base acreage recorded in Deed Book 1112, page 369: Easement 150 feet in width for "APCo" crossing the subject property
2. Plat of base acreage recorded in Plat Book 24, page 157:
  - a. Easement 150 feet in width for "APCo" crossing the subject property
  - b. Encroachment upon the 150 foot "APCo" easement by the barn appurtenant to the subject property
  - c. Cemetery located near the northwesterly (side) property line
  - d. Pond and well equipment located near the southwesterly (front) property line

- e. Utility line crossing the subject property
- f. Fence lines do not coincide with property lines
- 3. Plat of subject property recorded in Plat Book 24, page 187:
  - a. Items a through f of the plat recorded in Plat Book 24, page 157

**ACCESS:**

- Public street(s) named:** Bending Oak Drive also known as Virginia State Secondary Route No. 701
- Appurtenant easement created by Deed Book & Pg./Inst. No.:**
- Road Maintenance Agreement in Deed Book & Pg./Inst. No.:**

**OTHER MATTERS:**

1. The research for this title report began with the deed from Miller E. Petty and Helen M. Petty, husband and wife, to Alfred C. Smith and Mabel B. Smith, husband and wife, dated April 18, 1966, recorded in/as Deed Book 799, page 489. The research for this report covers a period of approximately 54 years.
2. Cemetery and access thereto as reserved in the deed from Miller E. Petty and Helen M. Petty, husband and wife, to Alfred C. Smith and Mabel B. Smith, husband and wife, dated April 18, 1966, recorded in Deed Book 799, page 489.
3. The subject property, *inter alia*, was conveyed by Brenda D. Martin (no marital status stated) to Brenda D. Martin, Trustee under that certain revocable trust agreement known as the Brenda D. Martin Revocable Declaration of Trust dated October 7, 1998, as amended February 22, 2005. This deed was dated March 16, 2005, and is recorded as Instrument No. 200505196. Neither the original trust agreement nor any amendment thereof is recorded.  
Brenda D. Martin, also known of record as Brenda Sue Deeds Martin and Brenda Sue Deeds Martin St. Clair, died testate on June 18, 2005, as evidenced by her will recorded as Instrument No. WF 200500351. Because the above referenced trust agreement and amendment thereof are not recorded, it is impossible to determine from the record what provisions were made for a substitute trustee.  
The deed to the current owner recorded as Instrument No. 200612840 states in the caption that the grantor is James L. Martin, Jr. as the Trustee under the trust agreement and amendment thereof. There is nothing of record to indicate Mr. Martin's ability to act as Trustee. To further complicate the situation, the deed is signed by Mr. Martin as Executor of the Estate of Brenda D. Martin and not as Trustee of the revocable trust. Because the property was held in the trust and did not pass through the will, the Executor did not have the capability to execute the deed. Accordingly, the validity of the deed is in question.
4. Marriage License No. 200000460 shows that Brenda Sue Deeds Martin married John Stuart St. Clair on December 2, 2000. Subsequent to this marriage, Brenda Sue Deeds Martin St. Clair used her new married name as well as the name Brenda D. Martin. Chancery File No. 01000389 shows that Brenda Sue Martin St. Clair filed for divorce from John Stewart St. Clair. However, no divorce decree was entered and the suit was dismissed on the 2-year rule. There is no record death of John Stewart St. Clair. He is not listed on the List of Heirs for Brenda D. Martin. However, the family may not have considered Mr. St. Clair to be an heir and filed the List of Heirs omitting his name. Both last names of Martin and St. Clair have been researched for Brenda Sue Deeds Martin St. Clair.
5. Marriage License No. 201900309 shows that Samuel Darryl Goff, Jr. married Rachel Lee Vinson Osborne on December 24, 2019.
6. Samuel D. Goff, Jr. is also known of record as Samuel Darryl Goff, Jr.
7. Possible rights of parties in possession under unrecorded leases as indicated by the fact that the tax ticket is not being sent to the subject property.

9. Such state of facts as would be disclosed by a current survey and physical inspection of the subject property.

**BACK TITLE INFO:**    **Exact**    **Full**    **Limited**    **None X**                    **Policy/Case #**  
**EFFECTIVE DATE:**    May 21, 2020 @ 8:00 A.M.

This report consists of 4 pages.