

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Declaring Certain Tax Foreclosed Property Subject to Waste and Ordering the Tax Collector to issue Deeds to the County.

The Multnomah County Board of Commissioners Finds:

- a. On or about September 25, 2012, in the Multnomah County Circuit Court, Case No. 1207-09240, Judgment in favor of Multnomah County and against certain properties more particularly described in the Judgment, was entered in an action filed by the County pursuant to ORS Chapter 312 to collect all delinquent tax liens on said real property subject to foreclosure.
- b. Since the entry of the Judgment, the County Tax Collector determined that certain properties amongst those covered by said Judgment may be subject to waste.
- c. After providing notice to the owners, interested parties and any occupants of those certain properties, in compliance with ORS 312.122 and Multnomah County Code (MCC) §§ 7.420-7.426, the County held individual hearings to determine whether any of the Properties were in fact subject to waste and, accordingly, should be deeded to the County early as provided by ORS 312.122(1).
- d. Hearings were held on March 19th (Property No. 1), March 26th (Property No. 2 and No. 3), and April 2nd, 2013 (Property No. 4) in accordance with ORS 312.122 and MCC §§ 7.420-7.426 and the Director found that certain properties are subject to waste and recommends that the redemption period be reduced and the properties be deeded early to the County as provided at ORS 312.122 and MCC§ 7.426.
- e. The properties found to be subject of waste and proposed for early deed to the County are identified as follows (the “Properties”):

Property No. 1: Tax Account No: R138659

Property No. 2: Tax Account No: R214328

Property No. 3: Tax Account No: R216996

Property No. 4: Tax Account No: R336056

- f. Copies of the Director’s Expedited Redemption and Forfeiture Hearing Findings and Recommendations are attached for each of the Properties, including legal descriptions, and are identified as Exhibits 1-4 to this Order.
- g. The Properties are declared subject to waste as provided under ORS 312.122, ORS 312.180 and MCC§ 7.422.

The Multnomah County Board of Commissioners Orders:

1. The Director's Expedited Redemption and Forfeiture Hearing Findings and Recommendations, attached as Exhibits 1-4, are hereby adopted and the Properties are determined to be subject to waste in accordance with ORS 312.122 and MCC § 7.422.
2. The Properties shall be subject to a reduced 30-day redemption period after the date of this Order, during which the Properties may be redeemed by any person(s) or entity(s) that appears in the records of the County to have a lien or other interest in the Properties.
3. After the expiration of the 30-day redemption period from the date of this Order, unless the Properties are sooner redeemed by a person(s) or entity(s) qualified to redeem the property, any rights of possession the owners may have in the Properties are forfeited in accordance with ORS 312.122(2)(c).
4. After the expiration of the 30-day redemption period, the County's Tax Collector is directed to execute and the County Chair is authorized to accept, a Tax Foreclosure Deed conveying the Properties that have not otherwise been redeemed to the County, in substantial conformance with the Tax Foreclosure Deed attached as Exhibit 5 to this Order.
5. All rights of redemption with respect to the Properties shall terminate on the execution of the Tax Foreclosure Deeds to the County.

ADOPTED this ____ day of _____, 2013.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Jeff Cogen, Chair

REVIEWED:

JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____ Courtney Lords/s/

Courtney Lords, Assistant County Attorney

SUBMITTED BY:

Joanne Fuller, Director, Dept. of County Management

EXHIBIT 1 TO BOARD ORDER

**MULTNOMAH COUNTY
DIVISION OF ASSESSMENT, RECORDING AND TAXATION
EXPEDITED REDEMPTION AND FORFEITURE
HEARING FINDINGS AND RECOMMENDATION**

PROPERTY OWNER: BATES, JERRY R & EDWINA U.

ADDRESS: 1525 NE HIGHLAND ST, PORTLAND, OR 97211

TAX ACCOUNT NO: R138659

LEGAL DESCRIPTION: Lot 11, Block 18, Columbia Heights in the City of Portland, County of Multnomah and State of Oregon.

TAX FORECLOSURE CASE HISTORY: Multnomah County Circuit Court Case # 1207-09240
Judgment Date: 9/25/2012

STATUTORY REDEMPTION PERIOD EXPIRATION: 9/24/2014

DATE OF HEARING: 3/19/2013 at 11:00 AM

HEARINGS OFFICER: Gary Bartholomew

APPEARING AT HEARING: For Multnomah County: Sally Brown, Carol Steele, Tracie McClements; For Owner/Interested Party: N/A

SUMMARY OF EVIDENCE AND TESTIMONY PRESENTED:

For Multnomah County: The County witnesses presented photographic evidence and written testimony showing that the roof is sagging and extensively patched, that the gutters are missing which may cause interior moisture and mold, that the supports to the covered porch are rotted, that the foundation is open to elements allowing rodent infestation and that bare wood surfaces contribute to deterioration. The property is vacant and there are no utilities at the property. Each of these cited conditions has contributed to deterioration of the improvements.

For Owner/Interested Party: None

FINDINGS: The property suffers from waste as defined in ORS 312.122, ORS 312.180 and Multnomah County Code 7.423 in the following particulars:

1. The evidence and testimony presented by the County established that the improvements at the property were deteriorated.
2. The owner has caused this deterioration of the improvements at the property by failing to address the above cited conditions.

RECOMMENDATION: That the Board of County Commissioners:

1. Affirm that the Property is subject to waste;
2. Declare that the owner's right of possession is forfeited; and
3. Direct the Tax Collector to deed the property to the County after expiration of a period of 30 days if not sooner redeemed. (ORS 312.122, Multnomah County Code 7.426).

EXHIBIT 2 TO BOARD ORDER

**MULTNOMAH COUNTY
DIVISION OF ASSESSMENT, RECORDING AND TAXATION
EXPEDITED REDEMPTION AND FORFEITURE
HEARING FINDINGS AND RECOMMENDATION**

PROPERTY OWNER: ELLIS, GEORGE & ELLIS, MARY

ADDRESS: 6530 NE MLK KING BLVD, PORTLAND, OR 97211

TAX ACCOUNT NO: R214328

LEGAL DESCRIPTION: Lot 17 and 18, Block 1, MAXWELL, in the City of Portland, County of Multnomah and State of Oregon.

TAX FORECLOSURE CASE HISTORY: Multnomah County Circuit Court Case # 1207-09240
Judgment Date: 9/25/2012

STATUTORY REDEMPTION PERIOD EXPIRATION: 9/24/2014

DATE OF HEARING: 3/26/2013 at 8:30 AM

HEARINGS OFFICER: Gary Bartholomew

APPEARING AT HEARING: For Multnomah County: Carol Steele, Tracie McClements; For Owner/Interested Party: N/A

SUMMARY OF EVIDENCE AND TESTIMONY PRESENTED:

For Multnomah County: The County witnesses presented photographic evidence and written testimony showing that the trim around the opening of the garage structure is worn down to bare wood and appears to be rotting in places, that the roof is bowing over the entrance, that the trim wood is blackened with mold, that the siding's underlayment is exposed in some places allowing moisture under the siding, that the exterior sheathing on the rear of the structure is exposed wood resulting in mold and rot, and that the entry door to the office is totally blocked with foliage. Vehicles, car repair equipment and fluids located in the garage may pose a possible environmental hazard. Each of these cited conditions has contributed to deterioration of the improvements.

For Owner/Interested Party: None

FINDINGS: The property suffers from waste as defined in ORS 312.122, ORS 312.180 and Multnomah County Code 7.423 in the following particulars:

1. The evidence and testimony presented by the County established that the improvements at the property were deteriorated.
2. The owner has caused this deterioration of the improvements at the property by failing to address the above cited conditions.

RECOMMENDATION: That the Board of County Commissioners:

1. Affirm that the Property is subject to waste;
2. Declare that the owner's right of possession is forfeited; and
3. Direct the Tax Collector to deed the property to the County after expiration of a period of 30 days if not sooner redeemed. (ORS 312.122, Multnomah County Code 7.426).

EXHIBIT 3 TO BOARD ORDER

**MULTNOMAH COUNTY
DIVISION OF ASSESSMENT, RECORDING AND TAXATION
EXPEDITED REDEMPTION AND FORFEITURE
HEARING FINDINGS AND RECOMMENDATION**

PROPERTY OWNER: TO THE HEIRS & DEVISEES OF AGNES S. WISKOFF

ADDRESS: 10124 SE REEDWAY ST, PORTLAND, OR 97266

TAX ACCOUNT NO: R216996

LEGAL DESCRIPTION: Lot 3, Block 17, MENTONE, in the City of Portland, County of Multnomah and State of Oregon.

TAX FORECLOSURE CASE HISTORY: Multnomah County Circuit Court Case # 1207-09240
Judgment Date: 9/25/2012

STATUTORY REDEMPTION PERIOD EXPIRATION: 9/24/2014

DATE OF HEARING: 3/26/2013 at 11:00 AM

HEARINGS OFFICER: Gary Bartholomew

APPEARING AT HEARING: For Multnomah County: Carol Steele, Tracie McClements; For Owner/Interested Party: N/A

SUMMARY OF EVIDENCE AND TESTIMONY PRESENTED:

For Multnomah County: The County witnesses presented photographic evidence and written testimony showing that the front of the house has rot and mold along the trim board, that some of the siding is missing and/or damaged thus exposing the underlayment to excess moisture, that the carport and shed are rusting, rotting and deteriorating, that the roof shows wear and the gutters are failing and/or missing in many places, that the trim board and soffits are peeling and rotting in areas, and that the window trim is worn and damaged. There is trash and debris in the yard which attracts rodents. The house is vacant, boarded and has no utility services. Each of these cited conditions has contributed to deterioration of the improvements.

For Owner/Interested Party: None

FINDINGS: The property suffers from waste as defined in ORS 312.122, ORS 312.180 and Multnomah County Code 7.423 in the following particulars:

1. The evidence and testimony presented by the County established that the improvements at the property were deteriorated.
2. The owner has caused this deterioration of the improvements at the property by failing to address the above cited conditions.

RECOMMENDATION: That the Board of County Commissioners:

1. Affirm that the Property is subject to waste;
2. Declare that the owner's right of possession is forfeited; and
3. Direct the Tax Collector to deed the property to the County after expiration of a period of 30 days if not sooner redeemed. (ORS 312.122, Multnomah County Code 7.426).

EXHIBIT 4 TO BOARD ORDER

**MULTNOMAH COUNTY
DIVISION OF ASSESSMENT, RECORDING AND TAXATION
EXPEDITED REDEMPTION AND FORFEITURE
HEARING FINDINGS AND RECOMMENDATION**

PROPERTY OWNER: CLARK, INGE E.

ADDRESS: 4800 SE 60TH AVE, PORTLAND, OR 97206

TAX ACCOUNT NO: R336056

LEGAL DESCRIPTION: The North 50 feet of the following described tract: All of the West 1/2 of the following described real property:

Beginning at a point 148.7 feet West of a point in the East line of Section 18, Township 1 South, Range 2 East of the Willamette Meridian, 843 feet South of a stone at the Section corner of Sections 7, 8, 17, and 18, in said Township and Range; thence South 93 feet; thence West 300 feet; thence North 93 feet; thence East 300 feet to the place of beginning, in the City of Portland, County of Multnomah and State of Oregon.

TAX FORECLOSURE CASE HISTORY: Multnomah County Circuit Court Case # 1207-09240
Judgment Date: 9/25/2012

STATUTORY REDEMPTION PERIOD EXPIRATION: 9/24/2014

DATE OF HEARING: 4/2/2013 at 8:30 AM

HEARINGS OFFICER: Gary Bartholomew

APPEARING AT HEARING: For Multnomah County: Carol Steele, Tracie McClements; For Owner/Interested Party: N/A

SUMMARY OF EVIDENCE AND TESTIMONY PRESENTED:

For Multnomah County: The County witnesses presented photographic evidence and written testimony showing that the bare wood on the roof overhangs is sagging and rotting, that the soffits are warped and sagging from water exposure, that there is rot under the gutters, that the siding is faded and cracked allowing insects and moisture into the property, that there is excess moisture at the base of the garage door, and that there is trash and debris throughout the yard, that the property is vacant, that all windows and doors including the garage door are boarded up and that there are no utility services at the property. Each of these cited conditions has contributed to deterioration of the improvements.

For Owner/Interested Party: None

FINDINGS: The property suffers from waste as defined in ORS 312.122, ORS 312.180 and Multnomah County Code 7.423 in the following particulars:

1. The evidence and testimony presented by the County established that the improvements at the property were deteriorated.
2. The owner has caused this deterioration of the improvements at the property by failing to address the above cited conditions.

RECOMMENDATION: That the Board of County Commissioners:

1. Affirm that the Property is subject to waste;
2. Declare that the owner's right of possession is forfeited; and
3. Direct the Tax Collector to deed the property to the County after expiration of a period of 30 days if not sooner redeemed. (ORS 312.122, Multnomah County Code 7.426).

EXHIBIT 5 TO BOARD ORDER

Until a change is requested, all tax statements shall be sent
To the following address:
(Grantees) MULTNOMAH COUNTY TAX COLLECTOR
501 SE HAWTHORNE BLVD.
PORTLAND OR 97214

After recording return to:
(Grantor) MULTNOMAH COUNTY SPECIAL PROGRAMS
501 SE HAWTHORNE BLVD
PORTLAND OR 97214

MULTNOMAH COUNTY TAX FORECLOSURE DEED

The parties to this deed are Randy P. Walruff, as the Tax Collector for Multnomah County, Oregon, Grantor, and Multnomah County, a political subdivision of the State of Oregon (the County), Grantee.

A Judgment in favor of the County and against property described in Exhibit A attached hereto; (hereinafter “the Property”) was entered on or about September 25, 2012, in an action filed pursuant to ORS Chapter 312 in the Multnomah County Circuit Court (Case No 1207-09240). The County brought this action to foreclose the liens for delinquent taxes against all the properties shown on the 2012 Multnomah County foreclosure list, which included the Property. Upon entry of the Judgment in the above referenced action, the Circuit Court ordered that the several properties be sold to the County for the respective amounts of taxes and interest for which the properties are liable. A certified copy of the Judgment containing the list of properties ordered to be sold was delivered to Randy P. Walruff at the Multnomah County Division of Assessment, Recording and Taxation.

The Property was the subject of a forfeiture and expedited redemption proceeding as provided under ORS 312.122 and Multnomah County Code §§ 7.420-7.426. By Multnomah County Board Order No.____, the Multnomah County Board of Commissioners directed this Tax Foreclosure Deed for the Property be executed after 30 days from the date of said Order.

Now, therefore as authorized under ORS 312.200; I, Randy P. Walruff, as Tax Collector, conveys to Multnomah County all right title and interest in certain real property located in Multnomah County, Oregon; and more particularly described in Exhibit A attached hereto together with all tenements, hereditaments and appurtenances thereto belonging or appertaining, to have and to hold unto the County, its successors and assigns from every right or interest of any person in such premises.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON’S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this _____ day of July, 2013

**RANDY P. WALRUFF, TAX COLLECTOR,
MULTNOMAH COUNTY, OREGON**

Randy P. Walruff, Tax Collector

STATE OF OREGON)
)
COUNTY OF MULTNOMAH)

This instrument was acknowledged before me on this _____ day of July 2013 by Randy P. Walruff as Tax Collector for Multnomah County, Oregon.

Tamara Meier
Notary public for Oregon
My commission expires 11/7/2014

ACCEPTED: Multnomah County approves and accepts this conveyance.

Jeff Cogen, Chair of the Multnomah County Board

Reviewed:
JENNY M. MORF, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Courtney Lords, Assistant County Attorney

EXHIBIT “A” TO TAX FORECLOSURE DEED

Legal Description:

[insert legal description]

Tax Account Number: [insert tax account #]