

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

ORDER NO. 2016-103

Declaring certain Tax Foreclosed Properties Subject to Waste and Directing the Tax Collector to issue a Deed to the County.

The Multnomah County Board of Commissioners Finds:

- a. On or about October 23, 2015, in the Multnomah County Circuit Court, Case No. 15CV-21010, 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) §§ 7.4210-7.425, 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 June 27th (Property No. 2), July 11th (Property No. 3), and July 25th, 2016 (Property No. 1, and No. 4), in accordance with ORS 312.122 and MCC §§ 7.421-7.425 and the Hearings Officer 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§ 7.425.
- 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: R115539

Property No. 2: Tax Account No: R145064

Property No. 3: Tax Account No: R171867

Property No. 4: Tax Account No: R336601
- f. Copies of the Hearing Officer's Expedited Redemption and Forfeiture Hearing Findings and Recommendations are attached for each of the Properties identified as Exhibits 1-4, and legal descriptions are attached and described in Exhibit A 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 Hearings Officer'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 13th day of October, 2016.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury

Deborah Kafoury, Chair

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

By *Carlos Rasch*
Carlos Rasch, Assistant County Attorney

SUBMITTED BY: Marissa Madrigal, Director, Dept. of County Management.

EXHIBIT 1 TO BOARD ORDER

EXPEDITED REDEMPTION AND FORFEITURE HEARING FINDINGS AND RECOMMENDATION

PROPERTY OWNER: Rise, James

PROPERTY ADDRESS: 8923 SE Reedway St., Portland, OR 97266

TAX ACCOUNT NO: R115539

TAX FORECLOSURE CASE HISTORY: Multnomah County Circuit Court Case #15CV-21010. Judgment Date: October 23, 2015.

STATUTORY REDEMPTION PERIOD EXPIRATION: October 22, 2017.

DATE OF HEARING: July 25, 2016 at 3:30 P.M.

HEARINGS OFFICER: Lindsay Kandra

APPEARING AT HEARING: For Multnomah County: Michael Sublett
For Owner/Interested Party: None

SUMMARY OF EVIDENCE AND TESTIMONY PRESENTED:

For Multnomah County: The County's witness presented photographic evidence and written and oral testimony showing that:

- Property is not occupied by the owner or any party with legal interest.
- The Property has no electric, water or garbage service.
- The Property has been observed and reported as vacant since 2000.
- The City of Portland has received complaints of houseless persons living on the Property, abandoned vehicles, trash and debris on the Property, and tall grass and weeds.
- Property was inspected by County staff on January 24, 2016, June 8, 2016, July 8, 2016 and July 21, 2016.
- No interior inspection was conducted due to lack of response from Taxpayer.

- County has observed the following exterior conditions and presented the following photographic evidence:
 - Roof is missing shingles, is mossy and growing ferns, and has visible holes. There is observable roof failure. Portions of the roof are tarped over.
 - Siding is in poor shape, unpainted and contains numerous holes.
 - The attached garage has collapsed and currently is a pile of debris.
 - Front porch is separating from the main structure.
 - Illegal dumping is taking place on the Property.
 - All gutters are missing.
 - There is open entry and visible evidence of squatter occupation.
 - The exterior of the home is covered in graffiti.

For Owner/Interested Party: None.

FINDINGS:

1. Each of the conditions observed and reported by County staff and witness have contributed to the deterioration of the Property.
2. Taxpayer has not presented any evidence to refute the observations made by County staff and witness.

The Property suffers from waste as defined in ORS 312.122 and ORS 312.180 and Multnomah County Code 7.400 and 7.422 – 7.423 in the following particulars:

- a. The evidence and testimony presented by the County established that the improvements at the property were deteriorated.
 - b. The owner has caused this deterioration of the improvements at the property by failing to address the above cited conditions.
3. The Property suffers from abandonment as defined in ORS 312.122 and Multnomah County Code 7.400 and 7.422- 7.423 in the following particulars:
 - a. The evidence and testimony presented by the County indicate that the Property has been vacant for at least six consecutive months.
 - b. The Property has suffered a substantial depreciation in value and will continue to suffer a substantial depreciation in value if not occupied.

RECOMMENDATION: That the Board of County Commissioners:

1. Affirm that the Property is subject to waste;
2. Affirm that the Property has been abandoned;
3. Declare that the owner's right of possession is forfeited; and
4. 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 7.425).

By: /s/ Lindsay Kandra

Date: August 23, 2016

EXHIBIT 2 TO BOARD ORDER

EXPEDITED REDEMPTION AND FORFEITURE HEARING FINDINGS AND RECOMMENDATION

PROPERTY OWNER: Rardin, William J. & Michelle J.

PROPERTY ADDRESS: 5724 SE Flavel Drive, Portland, OR 97206

TAX ACCOUNT NO: R145064

TAX FORECLOSURE CASE HISTORY: Multnomah County Circuit Court Case #15CV-21010. Judgment Date: October 23, 2015.

STATUTORY REDEMPTION PERIOD EXPIRATION: October 22, 2017.

DATE OF HEARING: June 27, 2016 at 2:30 P.M.

HEARINGS OFFICER: Lindsay Kandra

APPEARING AT HEARING: For Multnomah County: Michael Sublett
For Owner/Interested Party: Serita Bowen,
attorney in fact for Mr. Rardin.

SUMMARY OF EVIDENCE AND TESTIMONY PRESENTED:

For Multnomah County: The County's witness presented photographic evidence and written and oral testimony showing that:

- Property is not occupied by the owner or any party with legal interest.
- The Property has no water or garbage service. There is an active electric account that has not been in use.
- In 2000, the single family residence was in uninhabitable condition.
- In 2011 County staff noted that the "home has been derelict for many years and that the single-family residence should be torn down."
- Property was inspected by County staff on January 14, 2016 and June 8, 2016.
- No interior inspection was conducted due to lack of response from Taxpayer.
- County has observed the following exterior conditions and presented the following photographic evidence:
 - The home is uninhabitable. It has no visible siding, no shingles and is completely boarded up. What wood remains appears rotted.
 - Carport has collapsed and there evidence of camping nearby.
 - Severe shrubbery overgrowth.

For Owner/Interested Party:

- Mr. Rardin has suffered a stroke and Ms. Bowen, Mr. Rardin's attorney-in- fact, appeared on behalf of the Mr. Rardin.
- Taxpayers of record have been divorced for some time.
- Ms. Bowen was not aware of the depreciated condition of the property.

FINDINGS:

1. Each of the conditions observed and reported by County staff and witness have contributed to the deterioration of the Property.
2. Taxpayer's representative has not presented any evidence to refute the observations made by County staff and witness about the physical condition of the property.
3. The Property suffers from waste as defined in ORS 312.122 and ORS 312.180 and Multnomah County Code 7.400 and 7.422 – 7.423 in the following particulars:
 - a. The evidence and testimony presented by the County established that the improvements at the property were deteriorated.
 - b. 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 7.425).

By: /s/ Lindsay Kandra
Date: August 25, 2016

EXHIBIT 3 TO BOARD ORDER

EXPEDITED REDEMPTION AND FORFEITURE HEARING FINDINGS AND RECOMMENDATION

PROPERTY OWNER: Tompkins, Robert L
PROPERTY ADDRESS: 6968 N Montana Ave, PORTLAND, OR 97217
TAX ACCOUNT NO: R171867

TAX FORECLOSURE CASE HISTORY: Multnomah County Circuit Court Case #15CV-21010. Judgment Date: October 23, 2015.

STATUTORY REDEMPTION PERIOD EXPIRATION: October 22, 2017.

DATE OF HEARING: July 11, 2016 at 4:00 P.M.

HEARINGS OFFICER: Lindsay Kandra

APPEARING AT HEARING: For Multnomah County: Michael Sublett
For Owner/Interested Party: None

SUMMARY OF EVIDENCE AND TESTIMONY PRESENTED:

For Multnomah County: The County's witness presented photographic evidence and written and oral testimony showing that:

- Property is not occupied by the owner or any party with legal interest.
- The Property has electric utility service, but no water or garbage service.
- The Property has been observed and reported as vacant since 2004.
- The City of Portland has received complaints of squatters living on the Property, trash and debris on the Property, and rodent haborage.
- Property was inspected by County staff on January 25, 2016, June 8, 2016, and July 8, 2016.
- No interior inspection was conducted due to lack of response from Taxpayer
- County has observed the following exterior conditions and presented the following photographic evidence:

- Home has been open to entrance and shows signs of camping.
- Trash has been dumped on the Property.
- Shrubbery is very overgrown and conducive to rodent harborage.
- Siding is in poor shape; most is raw wood that is deteriorating due to exposure to the elements.
- Roof is mossy and showing signs of age and wear.
- Detached garage is mostly hidden from view and what can be seen is in poor condition.

For Owner/Interested Party: None.

FINDINGS:

1. Each of the conditions observed and reported by County staff and witness have contributed to the deterioration of the Property.
2. Taxpayer has not presented any evidence to refute the observations made by County staff and witness.
3. The Property suffers from waste as defined in ORS 312.122 and ORS 312.180 and Multnomah County Code 7.400 and 7.422 – 7.423 in the following particulars:
 - a. The evidence and testimony presented by the County established that the improvements at the property were deteriorated.
 - b. The owner has caused this deterioration of the improvements at the property by failing to address the above cited conditions.
4. The Property suffers from abandonment as defined in ORS 312.122 and Multnomah County Code 7.400 and 7.422 – 7.423 in the following particulars:
 - a. The evidence and testimony presented by the County indicate that the Property has been vacant for at least six consecutive months.
 - b. The Property has suffered a substantial depreciation in value and will continue to suffer a substantial depreciation in value if not occupied.

RECOMMENDATION: That the Board of County Commissioners:

1. Affirm that the Property is subject to waste;
2. Affirm that the Property has been abandoned;
3. Declare that the owner's right of possession is forfeited; and
4. 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 7.425).

By: /s/ Lindsay Kandra

Date: August 23, 2016

EXHIBIT 4 TO BOARD ORDER

EXPEDITED REDEMPTION AND FORFEITURE HEARING FINDINGS AND RECOMMENDATION

PROPERTY OWNER: Jones, Betty G.

PROPERTY ADDRESS: 6922 SE 87th Ave., Portland, OR 97266

TAX ACCOUNT NO: R336601

TAX FORECLOSURE CASE HISTORY: Multnomah County Circuit Court Case #15CV-21010. Judgment Date: October 23, 2015.

STATUTORY REDEMPTION PERIOD EXPIRATION: October 22, 2017.

DATE OF HEARING: July 25, 2016 at 12:30 P.M.

HEARINGS OFFICER: Lindsay Kandra

APPEARING AT HEARING: For Multnomah County: Michael Sublett
For Owner/Interested Party: None

SUMMARY OF EVIDENCE AND TESTIMONY PRESENTED:

For Multnomah County: The County's witness presented photographic evidence and written and oral testimony showing that:

- Property is not occupied by the owner or any party with legal interest.
- The Property has no electric, water or garbage service.
- The Property has been observed and reported as vacant since December 2014.
- The Property is subject to a City of Portland housing case. Complaints made to City of Portland about the Property include open access to home, garage and shed, dumping of trash, junk, furniture and hazardous materials, and tall grass and weeds.
- Property was inspected by County staff on January 14, 2016, June 8, 2016, July 8, 2016 and July 21, 2016.
- No interior inspection was conducted due to lack of response from Taxpayer.

- County has observed the following exterior conditions and presented the following photographic evidence:
 - Roof is very mossy and shows significant age.
 - Siding paint is peeling and reveals wood that looks to be rotting.
 - Eaves are deteriorating and collapsing in several locations.
 - Porch appears to be rotting.
 - Windows are missing and boarded over.
 - Detached garage is in severe disrepair. It appears to have collapsed and is overgrown with weeds.
 - Backyard is overgrown with weeds.
 - Front yard, backyard and driveway are overgrown with weeds.

For Owner/Interested Party: None.

FINDINGS:

1. Each of the conditions observed and reported by County staff and witness have contributed to the deterioration of the Property.
2. Taxpayer has not presented any evidence to refute the observations made by County staff and witness.
3. The Property suffers from waste as defined in ORS 312.122 and ORS 312.181 and Multnomah County Code 7.400 and 7.422 – 7.423 in the following particulars:
 - a. The evidence and testimony presented by the County established that the improvements at the property were deteriorated.
 - b. The owner has caused this deterioration of the improvements at the property by failing to address the above cited conditions.
4. The Property suffers from abandonment as defined in ORS 312.122 and Multnomah County Code 7.400 and 7.422 – 7.423 in the following particulars:
 - a. The evidence and testimony presented by the County indicate that the Property has been vacant for at least six consecutive months.
 - b. The Property has suffered a substantial depreciation in value and will continue to suffer a substantial depreciation in value if not occupied.

RECOMMENDATION: That the Board of County Commissioners:

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2. Affirm that the Property has been abandoned;
3. Declare that the owner's right of possession is forfeited; and
4. 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 7.425).

By: /s/ Lindsay Kandra

Date: August 23, 2016

EXHIBIT 5 TO BOARD ORDER

Until a change is requested, all tax statements shall be sent

To the following address:

MULTNOMAH COUNTY TAX COLLECTOR
% SPECIAL PROGRAM GROUP
PO BOX 2716
PORTLAND OR 97208-2716

After recording return to:

MULTNOMAH COUNTY TAX COLLECTOR
501 SE HAWTHORNE BLVD
PORTLAND OR 97214

MULTNOMAH COUNTY TAX FORECLOSURE DEED

The parties to this deed are Michael Vaughn, 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 October 23, 2015, in an action filed pursuant to ORS Chapter 312 in the Multnomah County Circuit Court (Case No 15CV-21010). The County brought this action to foreclose the liens for delinquent taxes against all the properties shown on the 2015 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 Michael Vaughn 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 §§ 7.420-7.425. 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, Michael Vaughn, 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 November, 2016

**MICHAEL VAUGHN, TAX COLLECTOR,
MULTNOMAH COUNTY, OREGON**

Michael Vaughn, Tax Collector

STATE OF OREGON)
)
COUNTY OF MULTNOMAH)

This instrument was acknowledged before me on this _____ day of November 2016 by Michael Vaughn as Tax Collector for Multnomah County, Oregon.

Tamara D. Campbell
Notary public for Oregon
My commission expires 09/25/2018

ACCEPTED: Multnomah County approves and accepts this conveyance.

Deborah Kafoury, Chair of the Multnomah County Board

Reviewed:

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

By _____
Carlos A. Rasch, Assistant County Attorney

EXHIBIT "A"

1) R115539

The West 40 feet of Lot 6 and the East 10.6 feet of Lot 7, Block 2, BERNHARDT PARK, in the City of Portland, County of Multnomah, State of Oregon

2) R145064

Lots 12, Block 24, DARLINGTON PLAT NO. 3, in the City of Portland, County of Multnomah and State of Oregon.

EXCEPT the Southeasterly 48 feet thereof.

3) R171867

Lots 11 and 12, Block 12, GOOD MORNING ADDITION TO EAST PORTLAND, in the City of Portland, County of Multnomah and State of Oregon

4) R336601

A tract of land in Section 21, Township 1 South, Range 2 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

Beginning at the Northwest corner of Tract 7, HOLLYWOOD; thence East along the North line of said tract, 20 feet more or less, to the East line of SE 87th Avenue as widened by those certain Deeds to the City of Portland, recorded July 23, 1953 in Book 1612, Page 442 and Book 1612, Page 444, Deed Records; thence North along the East line of said City of Portland tract as conveyed in Deed recorded in Book 1612, Page 444, Deed Records a distance of 12 feet to the Northeast corner thereof and the true point of beginning; thence North along the East line of said City of Portland tract as conveyed in Deed recorded in Book 1612, Page 442, Deed Records a distance of 69.54 feet to the North line of that tract of land described in Deed to Doris Marie Cressler, recorded May 10, 1944 in Book 834, Page 598, Deed Records; thence East along the North line of said Cressler tract 160 feet, more or less, to the Northwest corner of that tract conveyed to School District No. 1 by Deed recorded June 30, 1952 in Book 1545, Page 317, Deed Records; thence South along the West line of said School District No. 1 tract, 69.64 feet to the North line of that tract of land conveyed to School District No. 1 by Deed recorded May 12, 1953 in Book 1600, Page 259 Deed Records; thence West along said last mentioned North line to the true point of beginning.