

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

ORDER NO. 2013-091

Declaring Certain Tax Foreclosed Property Subject to Waste and Ordering the Tax Collector to Issue Deed to the County.

The Multnomah County Board of Commissioners Finds:

- a. On or about September 21, 2011, in the Multnomah County Circuit Court, Case No. 1108-10399, 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 this property 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 an individual hearing to determine whether this Property is in fact subject to waste and, accordingly, should be deeded to the County early as provided by ORS 312.122(1).
- d. A hearing was held on April 2, 2013 for this property in accordance with ORS 312.122 and MCC §§ 7.420-7.426 and the Director found that this property is subject to waste and recommends that the redemption period be reduced and the property be deeded early to the County as provided at ORS 312.122 and MCC§ 7.426.
- e. The property found to be subject of waste and proposed for early deed to the County are identified as follows (the "Property"):

Property: Tax Account No: R144012
- f. A copy of the Director's Expedited Redemption and Forfeiture Hearing Findings and Recommendations is attached for the Property; including the legal description, and is identified as Exhibit 1 to this Order.
- g. The Property is 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 Exhibit 1, is hereby adopted and the Property is determined to be subject to waste in accordance with ORS 312.122 and MCC § 7.422.

2. The Property shall be subject to a reduced 30-day redemption period after the date of this Order, during which the Property 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 Property.
3. After the expiration of the 30-day redemption period from the date of this Order, unless the Property is sooner redeemed by a person(s) or entity(s) qualified to redeem the property, any rights of possession the owners may have in the Property 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 Property that have not otherwise been redeemed to the County, in substantial conformance with the Tax Foreclosure Deed attached as Exhibit 2 to this Order.
5. All rights of redemption with respect to the Property shall terminate on the execution of the Tax Foreclosure Deed to the County.

ADOPTED this 11th day of July, 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
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: CONSTANTINO, EDDIE & ELIZABETH

ADDRESS: 13015 SE SHERMAN ST, PORTLAND, OR 97233

TAX ACCOUNT NO: R144012

LEGAL DESCRIPTION: The West 100 feet of the East 178.21 feet of the South 38.46 feet of Lot 5, and the West 100 feet of the East 178.21 feet of Lot 6, Block 7 DAGMAR ACRES, in the County of Multnomah and State of Oregon.

TAX FORECLOSURE CASE HISTORY: Multnomah County Circuit Court Case # 1108-10399
Judgment Date: 9/21/2011

STATUTORY REDEMPTION PERIOD EXPIRATION: 9/20/2013

DATE OF HEARING: 4/2/2013 at 1:45 PM

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 house and shed in the rear backyard are covered in graffiti on all sides, that the roof, gutters, downspouts and soffits are damaged and/or missing, that the roof is covered in moss, that the house is overgrown with vines and foliage, that the interior of the property is scattered with furniture, broken glass, trash and debris, that the fireplace is burnt, that the walls and ceilings show severe water and fire damage and are covered with black mold and graffiti, that portions of the drywall have been removed or have fallen off, that the front yard and rear of the property is littered with piles of trash and debris. The property is vacant, boarded up 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 2 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 21, 2011, in an action filed pursuant to ORS Chapter 312 in the Multnomah County Circuit Court (Case No 1108-10399). The County brought this action to foreclose the liens for delinquent taxes against all the properties shown on the 2011 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, hereditments 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 June, 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 June 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:

The West 100 feet of the East 178.21 feet of the South 38.46 feet of Lot 5, and the West 100 feet of the East 178.21 feet of Lot 6, Block 7 DAGMAR ACRES, in the County of Multnomah and State of Oregon.

Tax Account Number: R144012