

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

ORDER NO. 2017-064

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 7, 2016, in the Multnomah County Circuit Court, Case No. 16CV-24117, 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 has 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) §§ 7.421-7.425, 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 12, 2017, 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 ("Properties"):

Property No. 1: Tax Account No: R178765
Property No. 2: Tax Account No: R302460
- 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 1-2 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 1-2, 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 3 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 July, 2017.



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, Dept. of County Management

EXHIBIT 1

EXPEDITED REDEMPTION AND FORFEITURE HEARING FINDINGS AND RECOMMENDATION

PROPERTY OWNER: YEE, NORMAN

ADDRESS: 8515 NE ALBERTA, PORTLAND, OR 97220
TAX ACCOUNT NO: R178765

TAX FORECLOSURE CASE HISTORY: Multnomah County Circuit Court Case #16CV-24117. Judgment Date: October 7, 2016.

STATUTORY REDEMPTION PERIOD EXPIRATION: October 8, 2018.

DATE OF HEARING: June 12, 2017, 2:30pm

HEARINGS OFFICER: Lindsay Kandra

APPEARING AT HEARING: For Multnomah County: Michael Sublett
For Owner/Interested Party: N/A

SUMMARY OF EVIDENCE AND TESTIMONY PRESENTED:

For Multnomah County:

- No acknowledgement of certified notification letter received by County.
- Property is a home in NE Portland.
- Property is vacant per City of Portland order and is boarded up.
- Property taxes owing to County at the time of the hearing are approximately \$15,400.
- There is no utility service to the property.
- The City of Portland has received complaints on the property since 2007 and as recently as April 2017. Complaints have reported overgrown vegetation, illegal dumping, illegal structures, rodents, squatting and possible criminal activity.
- The City of Portland boarded up the property in April 2016.
- Property was inspected by Mr. Sublett on January 20, 2017, April 20, 2017, and June 6, 2017.
- Over that time, Mr. Sublett observed increasing deterioration on the premises: overgrown vegetation, failing siding, structural failing in roof.
- Mr. Sublett's observations were supported by photographic evidence.

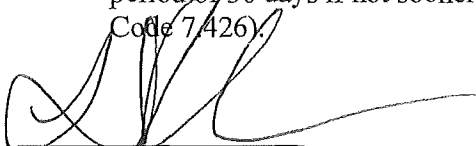
For Owner/Interested Party: None

FINDINGS:

1. The property suffers from waste as defined in ORS 312.122 and Multnomah County Code 7.400 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.
2. The property suffers from abandonment as defined in ORS 312.122 and Multnomah County Code 7.400 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 and abandonment;
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).


Lindsay Kandra, Hearings Officer

June 21, 2017

Date

EXHIBIT 2

EXPEDITED REDEMPTION AND FORFEITURE HEARING FINDINGS AND RECOMMENDATION

PROPERTY OWNER: ANDERSEN, WILLIAM S

ADDRESS: 4525 SW ARNOLD, PORTLAND, OR 97219
TAX ACCOUNT NO: R302460

TAX FORECLOSURE CASE HISTORY: Multnomah County Circuit Court Case #16CV-24117. Judgment Date: October 7, 2016.

STATUTORY REDEMPTION PERIOD EXPIRATION: October 8, 2018.

DATE OF HEARING: June 12, 2017, 1:00pm

HEARINGS OFFICER: Lindsay Kandra

APPEARING AT HEARING: For Multnomah County: Michael Sublett
For Owner/Interested Party: N/A

SUMMARY OF EVIDENCE AND TESTIMONY PRESENTED:

For Multnomah County:

- Certified notification letter was signed by property owner.
- The property is a home located in SW Portland.
- The property has been vacant since 2011 and is currently partially boarded up.
- Property taxes owing to County at the time of hearing are approximately \$18,400.
- There is no utility service to the property.
- The City of Portland has received complaints on the property since 2011, with reports of intruders, overgrown vegetation, illegal dumping, rodents and possible illegal activity taking place on the premises.
- The property was cited as a derelict building by the City of Portland in May 2015 and cited for Health Sanitation Violations in November 2016.
- Property was inspected by Mr. Sublett on February 2, 2017, April 24, 2017, and June 8, 2017.
- Over that time, Mr. Sublett observed increasing deterioration on the premises: overgrown vegetation, failing siding, structural failing in roof and carport, foundation is exposed to elements.
- Mr. Sublett's observations were supported by photographic evidence.

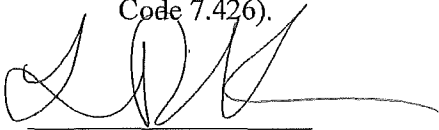
For Owner/Interested Party: None

FINDINGS:

1. The property suffers from waste as defined in ORS 312.122 and Multnomah County Code 7.400 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.
2. The property suffers from abandonment as defined in ORS 312.122 and Multnomah County Code 7.400 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 and abandonment;
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).



Lindsay Kandra, Hearings Officer

June 21, 2017

Date

EXHIBIT 3

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

To the following address:

MULTNOMAH COUNTY TAX COLLECTOR
% TAX TITLE PROGRAM
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 properties described in Exhibit A attached hereto; (hereinafter "the Properties") were entered on or about October 7, 2016, in an action filed pursuant to ORS Chapter 312 in the Multnomah County Circuit Court (Case No 16CV-24117). The County brought this action to foreclose the liens for delinquent taxes against all the properties shown on the 2016 Multnomah County foreclosure list, which included the Properties. 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 Properties were 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 Properties 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 August, 2017

**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 August 2017 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) R178765

Lot 13, Block 7, HELENSVIEW REPLAT, in the City of Portland, County of Multnomah and State of Oregon.

2) R302460

Lots 27, 28, 29, Block 36, WEST PORTLAND PARK, in the City of Portland, County of Multnomah and State of Oregon