

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Declaring Certain Tax Foreclosed Property R115687 Subject to Waste and Ordering the Tax Collector to issue a 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 determined that certain properties amongst those covered by said Judgment may be subject to waste (the “subject properties”).
- c. After providing notice to the owners, interested parties and any occupants of the subject properties, in compliance with ORS 312.122 and Multnomah County Code (MCC) §§ 7.420-7.426, the Director of the County’s Department of County Management or other appropriate person under MCC§ 7.422 (collectively referred to as the “Director”), held individual hearings to determine whether any of the subject properties should be deeded to the County early as provided by ORS 312.122 (1).
- d. One of the properties subject to the determination of waste and proposed early deed to the County is more particularly described as follows: North 45 feet of Lot 7, Block 4, Berry Acres (“the Property”).
- e. After the hearing held on August 7, 2012, the Director found that the 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. A copy of the Director’s Expedited Redemption and Forfeiture Hearing Findings and Recommendation is attached as Exhibit 1.
- f. The Property is 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 Recommendation attached as Exhibit 1 is hereby adopted and the Property is determined to be subject to waste.
2. After the expiration of a shortened redemption period of 30 days from the date of this Order, unless the Property is sooner redeemed by a person or entity qualified to redeem as provided in paragraph 4 below, any rights of possession the owner may have in the Property are forfeited.
3. 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, the Tax Foreclosure Deed conveying the Property to the County in substantial conformance with the Tax Foreclosure Deed attached as Exhibit 2.

4. During the shortened redemption period after the date of this Order, the Property may be redeemed by any person or entity that appears in the records of the County to have a lien or other interest in the Property.
5. All rights of redemption with respect to the Property shall terminate on the execution of the Tax Foreclosure Deed to the County.

ADOPTED the 29th day of November, 2012.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Jeff Cogen, Chair

REVIEWED:

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

By _____
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
Joanne Fuller, Director, Dept. of County Management

**EXPEDITED REDEMPTION AND FORFEITURE
HEARING FINDINGS AND RECOMMENDATION**

PROPERTY OWNER: SHOLES, SCOTT

ADDRESS : 4657 NE Cully Blvd., Portland, OR 97218

TAX ACCOUNT NUMBER: R115687

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: 8/7/2012 at 1:00 PM

HEARINGS OFFICER: Gary Bartholomew

APPEARING AT HEARING: For Multnomah County: Sally Brown, Karla Hartenberger, Tracie McClements; For Owner/Interested Party: Scott Sholes

SUMMARY OF EVIDENCE AND TESTIMONY PRESENTED:

For Multnomah County: The County witnesses presented photographic evidence and oral testimony showing that extensive weed and shrubbery overgrowth covered the grounds of the property and reached up to the roofline preventing access of the improvements by door or window; that the extensive weed and shrubbery overgrowth pose a potential breeding ground for rodents; that the abandoned vehicles on site pose a potential environmental hazard. Further, the exterior siding of the house had extensive areas of peeling paint and exposed wood. Even as far back as 2001 a County appraiser noted the house appeared to be abandoned and in poor condition. Each of these cited conditions has contributed to deterioration of the improvements.

For Owner/Interested Party: Mr. Sholes stated that he intentionally allowed the overgrowth on the property to keep out vagrants; that he had donated the property to charity and the vehicles on site were left to be used by the charity to teach at-risk youth; claims the house is sound and that he replaced the roof and painted the house since 2001, but also states that the best use for the property is to tear down the improvements and replace it with a new structure.

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 and the surrounding outdoor area at the property were deteriorated.
2. The County did not provide evidence that the abandoned vehicles contained any fluids or that there was any leakage. Therefore, an actual environmental hazard was not substantiated. However, the storage of disabled vehicles in the outdoor areas of property within the City of Portland for more than seven days without proper license or permit is a violation of Portland City Code, Chapter 29, Sections 29.20.010 and 29.20.030. Mr. Sholes produced no information establishing any authorization from the City to allow for the vehicles stored outdoors on his property to remain, and the vehicles did not appear to be operational, therefore, that storage activity presents a potential for the issuance of a nuisance violation by the City.
3. Further, while the overgrowth conditions of the vegetation are contributing to the deterioration of the house as noted above, the overgrowth of vegetation also would appear to be a violation of City Code Sections 29.20.010 and 29.20.030 with respect to the maintenance of outdoor areas and present the potential for the issuance of a second nuisance violation by the City,
4. Mr. Sholes did not deny the conditions of the property were as presented by the County, i.e. subject to waste, nor did he indicate that he would take immediate action to address the deteriorated conditions. .
5. Mr. Sholes has caused this deterioration of the improvements and the outdoor area at the property by failing to address the above cited conditions.

6. Mr. Sholes statement that the best use of the property is to tear down the improvements appears to be an acknowledgment that the improvements are deteriorated and subject to waste. . In addition, Mr. Sholes statement that he intentionally allowed the overgrowth on the property serves as further evidence that he has permitted the deterioration of the improvements and the outdoor areas of the property.

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).

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,

Dated this _____ day of November, 2012

**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 November 2012 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 _____
Matthew O. Ryan, Assistant County Attorney

EXHIBIT "A" TO TAX FORECLOSURE DEED

Legal Description:

North 45 feet of Lot 7, Block 4, Berry Acres

Tax Account Number: R115687