

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON

In the Matter of the Approval of the)
Agreement to Defer Right to Pursue) RESOLUTION
Default on County Land Sale) 94-96
Contract # 15522)

WHEREAS, Multnomah County entered into Contract #15522, a land sale contract on April 18, 1990 with Jon and Sandie Luft; and

WHEREAS, the Lufts assigned their interest in the contract to Joe S. Brown on July 10, 1990: and

WHEREAS, Mr. Brown is now in default on the contract; and

WHEREAS, Multnomah County Tax Title Unit and Mr. Brown requests the Board approve the attached "Agreement to Defer Right to Pursue Default" which allows Mr. Brown time to bring current all delinquent contract payments and all delinquent real property taxes no later than July 29, 1994, prior to the County acting on Mr. Brown's default and cancelling the contract.

THEREFORE BE IT RESOLVED that the attached "Agreement to Defer Right to Pursue Default" relating to County Contract #15522 and attached and identified as Exhibit A is hereby approved.

ADOPTED this 2nd day of June, 1994



By Beverly Stein
Beverly Stein, Chair
Multnomah County, Oregon

Reviewed:

By Matthew O. Ryan
Matthew O. Ryan
Assistant County Counsel

Exhibit A

AGREEMENT TO DEFER RIGHT TO PURSUE DEFAULT AGAINST JOE S. BROWN UNTIL JULY 29, 1994

Parties: Joe Stuart Brown, assignee/vendee ("Brown")
Multnomah County, vendor ("County")

Recitals: 1) Brown is the assignee of the vendee's interest on a certain land sale contract, County Contract No. 15522, dated April 18, 1990 between County as vendor and Jon Luft and Sandie Luft as vendees recorded April 20, 1990 in Book 2294, page 249, Multnomah County Records. The property which is the subject of the contract is legally described as follows:

Willamette Heights Add North 90' of East 15' and West 35' of Lot 6, Blk 26; Lots 7 and 10, Blk 26; Lots 11 and 14, Blk 26.

2) The Lufts assigned their interest in this Contract and the above described property to Brown by an agreement entitled, "Assignment and Conveyance By Owner of Vendee's Interest in Land Sale Contract", dated July 10, 1990, recorded July 31, 1990 in Book 2328, pages 1238 to 1240, Multnomah County Records. This agreement shall be referred to herein as "The Assignment".

3) On April 7, 1993 the County and Brown executed an amendment to the Contract identified in paragraph 1, recorded in Book 2675, pages 1995-1996 extending a period of no payments due until April 30, 1994.

4) On January 28, 1994 County and Brown recorded a previously executed second amendment to this contract at Book 94 Page 015500 Multnomah County Records.

5) As of April 30, 1994 Brown is in default on Contract #15522 as amended.

The parties do hereby agree as follows:

1. The County agrees to defer action on Brown's default under the contract until July 29, 1994 except as provided below.

2. For the period of this extension there shall be no payments due; interest shall continue to accrue.

3. The delinquent contract payments, in the amount of \$32,837.12 that are and will become due by July 29, 1994 shall be included in the balance due July 29, 1994.

4. Brown shall pay all delinquent real property taxes accrued against the real property as of July 15, 1994 in the amount of \$24,729.80 by July 29, 1994.

5. Except as modified by this default deferral agreement, the terms and conditions of the Contract dated April 18, 1990, and the first amendment to that contract dated April 7, 1993, as well as the assignment dated July 10, 1990, and the second amendment dated December 23, 1993 shall remain in force.

6. The County will issue a final notice to Brown no later than May 27, 1994 advising Brown that the contract shall be cancelled by the Board of County Commissioners on August 11, 1994 if payment in full of all the amounts set out in paragraph 3 and 4 are not paid to the County by July 29, 1994.

7. The County shall send the notice issued pursuant to paragraph 6 by first class and certified mail and Brown agrees the provision of the notice as described is in compliance with ORS 93.915.

IN WITNESS WHEREOF, the parties have executed this agreement on the dates set forth below.

For Multnomah County:

Assignee/Vendee:

Beverly Stein
Name Beverly Stein
Title Multnomah County Chair
Date 6-2-94

Joe S. Brown
Joe S. Brown
Date May 3, 1994

STATE OF OREGON)
County of Multnomah) ss.

Personally appeared the within named Joe S. Brown and acknowledged the foregoing instrument to be a voluntary act and deed.

SUBSCRIBED AND SWORN to before me this 3rd day of May, 1994

Beverly E. Scott
Notary Public for Oregon
My Commission expires January 3, 1995

Reviewed by:

Matthew O. Ryan
Assistant County Counsel
Matthew O. Ryan

