

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1146

Special Ordinance Designating Disposition of Tax Foreclosed Property and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. On September 25th, 2006 judgment was entered in Multnomah County Circuit Court foreclosing the property tax liens against certain real property described as:

Lot 4 Block 4 East St. Johns

(the Property). On September 26, 2008 the County Tax Collector deeded all right, title and interest in the Property to Multnomah County as authorized under ORS 312.200.

- b. On October 7, 2008, the County's Tax Title Division sent a letter to the Estate of Manuel M. Flores. Mr. Flores was shown on County records to have been the former owner of the property. This letter was addressed to the "Estate of Manuel Flores" as opposed to Manuel Flores at the direction of representatives of his estate. The County Tax Title Division was advised in September 2008 that Mr. Flores had died in 1997 in Mexico. The October 7, 2008, letter advises generally of the rights of the former owner to repurchase the tax foreclosed property under Multnomah County Code (MCC) Chapter 7. The letter stated that the property must be repurchased or vacated by November 14th, 2008.
- c. Mr. Flores' widow, Ms. Emmadene M. Martinez, executed an affidavit in 2007 that was filed in a probate proceeding of Mr. Flores' estate in Multnomah County Circuit Court (Case No. 070791083) claiming ownership of the Property as the decedent's spouse and affirming that the only known heir is their son, who is a minor. Ms. Martinez contacted the County in a timely manner in October 2008 but did not complete a purchase of the property as required under MCC Section 7.402.
- d. On August 14, 2009, Travis Hall, Ms. Martinez's attorney, contacted the Tax Title Division to indicate that Ms. Martinez wished to repurchase the Property and has obtained financing to pay the minimum repurchase price to Multnomah County. The Tax Title Division has prepared a proposed deed for the Property to "The Estate of Manuel M. Flores".
- e. Under ORS 275.180, the minimum price for which the County can sell the property back to the former owner is not less than the amount of taxes and interest accrued and charged against the property. The County has previously allowed, under ORS 275.180 authority, for the sale of tax foreclosed property to the estate or legal heirs of deceased former owners on the premise that the rights of the deceased former owner vest in the decedent's estate.
- f. Although the timeline for repurchase, as provided under MCC 7.402 has passed, Tax Title recommends the Board approve this Special Ordinance allowing the repurchase because the public interest is best served by allowing The Estate of Manuel M. Flores to

repurchase the property as opposed to the County taking on the obligations and the oversight and ultimate disposition of this property.

- g. ORS 307.100 requires the payment of all local assessments and liens prior to repurchasing tax foreclosed real property from the County.
- h. In the interest of fairness and to prevent potential challenges to the disposition of the property, the Board believes it to be in the best interests of the County to approve this Special Ordinance and remove this property from consideration for alternative disposition under MCC Chapter 7 and authorize the repurchase of the property by The Estate of Manuel M. Flores.

Multnomah County Ordains as follows:

Section 1. Notwithstanding MCC 7.402; Multnomah County is authorized to sell to The Estate of Manuel M. Flores the real property described above in compliance with the requirements of ORS 275.180.

Section 2. The County Chair is authorized to execute a Deed, in substantial compliance with the attached deed identified as Exhibit A, conveying the real property described above to The Estate of Manuel M. Flores.

Section 3. This ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and the ordinance takes effect upon its signature by the County Chair.

FIRST READING:

October 1, 2009

SECOND READING AND ADOPTION:

October 8, 2009




BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Dept. of Community Services

Exhibit A

PORTLAND OR 97204

Multnomah County Tax Title 503/4

Deed D092192 for R151090

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, **Grantor**, conveys The Estate of Manuel M. Flores, **Grantee**, the following described real property located in Multnomah County, Oregon:

Lot 4 Block 4

East St. Johns

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. 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.

The true consideration paid for this transfer is \$22,230.22.

IN WITNESS WHEREOF, The Multnomah County Board of Commissioners by authority of a Resolution of the Board entered of record: has caused this deed to be executed by the chair of the County Board.

Dated this 8th day of October 2009.

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

Ted Wheeler, Chair

REVIEWED:

**AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON**

By Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 8th day of October, 2009, by Ted Wheeler, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/2013