

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDINANCE NO. 1158**

Repealing Special Ordinance 1146, Designating Disposition of Tax Foreclosed Property

**The Multnomah County Board of Commissioners Finds:**

- a. On September 25, 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. 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.
- c. Although the timeline for repurchase, as provided under MCC 7.402 had passed, on October 8, 2009, the Board approved Special Ordinance 1146 allowing sale of the Property to The Estate of Manuel M. of Flores.
- d. On January 22, 2010, Fidelity National Title informed the County's Tax Title Division that the proposed sale of the Property had been cancelled.
- e. Tax Title has received calls from concerned neighbors regarding the nuisance created by the vacant house.
- f. It is in the best interests of the county to return the Property to the county inventory for consideration of alternative disposition under MCC Chapter 7.

**Multnomah County Ordains as follows:**

**Section 1.** Special Ordinance No. 1146 is repealed and the Property will be returned to county inventory for consideration of alternative disposition under MCC Chapter 7.

FIRST READING:

March 11, 2010

SECOND READING AND ADOPTION:

March 18, 2010



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:

Mindy Harris, Director, Dept. of County Management

# EXHIBIT A

R151090





## EXHIBIT B

R151090



## EXHIBIT C

### LEGAL DESCRIPTION:

Lot 4 Block 4      East St. Johns

PROPERTY ADDRESS	5539 N Mears St
TAX ACCOUNT NUMBER:	R151090
GREENSPACE DESIGNATION:	No designation
SIZE OF PARCEL:	More or less 5,000 square feet
ASSESSED VALUE:	\$205,900

### ITEMIZED EXPENSES

BACK TAXES & INTEREST:	\$18,814.61
TAX TITLE MAINTENANCE COST & EXPENSES:	\$4570.78
RECORDING FEE:	NA
CITY LIENS	\$56,875.71
TOTAL	\$80,261.10

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Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:  
Mindy Harris, Director, Dept. of County Management



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

**Deed D092192 for R151090**

**Lot 4 Block 4**                      **East St. Johns**