



BEFORE THE BOARD OF COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON

FILED  
NOV 26 2003  
TASSI. O'NEIL  
COUNTY CLERK

Relating to waste or abandonment )  
of tax foreclosed property and ) Ordinance #63  
creating new provisions. )

The Tillamook County Board of Commissioners ordains as follows:

**SECTION 1. PURPOSE.** The purpose of this ordinance is to provide for a reduced redemption period during tax foreclosure when property is subjected to waste or abandonment.

**SECTION 2. PROCEDURE.** The following procedure shall be followed for early termination of the property tax foreclosure redemption period for waste or abandonment.

(1) Pursuant to ORS 312.122, County Counsel may initiate proceedings before the Board of Commissioners to require the Tillamook County Tax Collector to deed to the County, pursuant to ORS 312.200, any real property foreclosed by the County under ORS 312.100 after the expiration of the 30-day period provided in subsection (2) of this section if:

(a) The property is subjected to waste which results in a forfeiture to the County of the right to possession of the property under ORS 312.180; or

(b) The property is not occupied by the owner or any person or entity that appears in the records of the County to have a lien or other interest in the property for a period of six consecutive months, and the property has suffered a substantial depreciation in value or will suffer a substantial depreciation in value if not occupied.

(2)(a) If property is believed to be subject to waste or abandonment as provided in subsection (1) of this section, County Counsel may set a hearing for the purpose of

determining whether the property should be deeded to the County pursuant to subsection (1) of this section.

(b) The owner and any person or entity that appears in the records of the County to have a lien or other interest in the property shall be given an opportunity to be heard at the hearing provided in paragraph (a) of this subsection.

(c) If the Board determines after the hearing provided in paragraph (a) of this subsection that the property is subject to waste or abandonment as provided in subsection (1) of this section, the Board shall provide that any rights of possession the owner may have in the property are forfeited and direct the property be deeded to the county by the Tillamook County Tax Collector after expiration of a period of 30 days from the date of the action of the Board unless it is sooner redeemed by the owner or any person or entity that then appears in the records of the county to have a lien or other interest in the property. Pursuant to ORS 312.122(2)(c), all rights of redemption with respect to the real property described in that deed shall terminate on the execution of the deed to the County.

(3) Not less than 30 days prior to the hearing provided in subsection (2) of this section, County Counsel shall notify the owner and any person or entity that then appears in the records of the county to have a lien or other interest in the property of the hearing. The notice shall contain:

(a) The date, time and place of the hearing provided for in subsection (2) of this section;

(b) The date of the judgment and decree;

(c) The normal date of expiration of the period of redemption under ORS 312.120;

(d) Warning to the effect that if the Board determines that the property is subject to waste or abandonment as provided in subsection (1) of this section, the property will be deeded to the County immediately after the expiration of 30 days from the date of the Board action, and that every right or interest of any person in the property will be forfeited forever to the County unless the property is redeemed within that 30-day period;

(e) A legal description of the property and a tax account number; and

(f) The name of the owner as it appears on the latest tax roll.

(4) The notice required to be given under subsection (3) of this section shall be given by both certified mail and by regular first class mail.

(5)(a) If the notice required under subsection (3) of this section is to be given to an owner, the notice shall be addressed to the owner or owners, as reflected in the county deed records, at the true and correct address of the owner as appearing on the instrument of conveyance under ORS 93.260, or as furnished under ORS 311.555, or as otherwise ascertained by the Tillamook County Tax Collector pursuant to ORS 311.560.

(b) If the person or entity to whom the notice is required under subsection (3) of this section to be given is a lien holder, or person or entity other than the owner, having or appearing to have a lien or other interest in the property, the notice shall be addressed to the lien holder, person or entity at the address which the County knows or after reasonable inquiry, has reason to believe to be the address at which the lien holder, person or entity will most likely receive actual notice.

(6) Pursuant to ORS 312.122(6), for purposes of subsection (5)(b) of this section, if the lien holder is a corporation or a limited partnership, County Counsel shall be considered to have made reasonable inquiry if the notice is mailed to the registered agent or last

registered office of the corporation or limited partnership, if any, as shown by the records on file in the office of the Corporation Commissioner (the Corporations Division of the Oregon Secretary of State) or, if the corporation or limited partnership is not authorized to transact business in this state, to the principal office or place of business of the corporation or limited partnership.

(7) As used in this section, "records of the County" has that meaning given in ORS 312.125 (7).

**SECTION 3: SEVERABILITY.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or unlawful, such decision shall not effect the remaining portions of this ordinance. The Board hereby declares that it would have passed each phrase thereof, irrespective of the fact that any one or more of such provisions be declared unconstitutional or unlawful.

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**SECTION 4. EFFECTIVE DATE.**

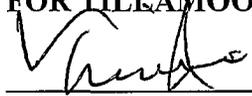
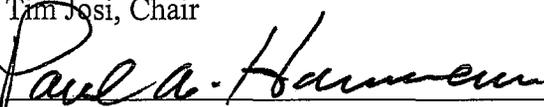
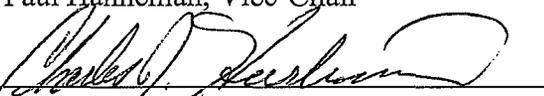
This ordinance shall take effect on the 90th day after the date of its adoption.

First Reading: November 12, 2003

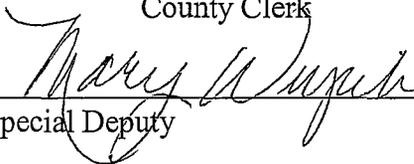
Second Reading: November 26, 2003

DATED THIS 26 DAY OF November, 2003.

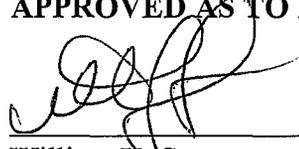
**THE BOARD OF COMMISSIONERS  
FOR TILLAMOOK COUNTY, OREGON**

	Aye	Nay	Abstain/absent
 _____ Tim Josi, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 _____ Paul Hanneman, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 _____ Charles Hurliman, Commissioner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST: Tassi O'Neil,  
County Clerk

By   
\_\_\_\_\_  
Special Deputy

APPROVED AS TO FORM:

  
\_\_\_\_\_  
William K. Sargent,  
County Counsel

