

1 **BEFORE THE BOARD OF COMMISSIONERS**

2 **FOR LINCOLN COUNTY, OREGON**

3 ORDINANCE # 422

4 _____
5
6 **Relating to waste or abandonment of tax foreclosed property; creating new provisions;**
7 **and declaring an emergency.**
8 _____

9 The Lincoln County Board of Commissioners ordains as follows:

10 **SECTION 1.**

11 Section 2 of this Ordinance is added to and made apart of LCC Chapter 5, as
12 indicated.

13 **SECTION 2.**

14 **5.200 Procedure for Early Termination of Property Tax Foreclosure**
15 **Redemption Period for Waste or Abandonment**

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

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

NOTE: Matter in boldfaced type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in boldfaced type.

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

5 (2)(a) If property is believed to be subject to waste or abandonment as provided
6 in subsection (1) of this section, County Counsel may set a hearing for the purpose of
7 determining whether the property should be deeded to the County pursuant to
8 subsection (1) of this section.

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

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

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

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

7 (b) The date of the judgment and decree;

8 (c) The normal date of expiration of the period of redemption under ORS
9 312.120;

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

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

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

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

20 (5)(a) If the notice required under subsection (3) of this section is to be given to
21 an owner, the notice shall be addressed to the owner or owners, as reflected in the

1 county deed records, at the true and correct address of the owner as appearing on the
2 instrument of conveyance under ORS 93.260, or as furnished under ORS 311.555, or as
3 otherwise ascertained by the Lincoln County Tax Collector pursuant to ORS 311.560.

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

10 (6) Pursuant to ORS 312.122(6), for purposes of subsection (5)(b) of this section,
11 if the lienholder is a corporation or a limited partnership, County Counsel shall be
12 considered to have made reasonable inquiry if the notice is mailed to the registered
13 agent or last registered office of the corporation or limited partnership, if any, as
14 shown by the records on file in the office of the Corporation Commissioner (the
15 Corporations Division of the Oregon Secretary of State) or, if the corporation or
16 limited partnership is not authorized to transact business in this state, to the principal
17 office or place of business of the corporation or limited partnership.

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

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SECTION 3.

This Ordinance being necessary for the immediate preservation of the public peace,
health and safety, an emergency is declared to exist and this Ordinance shall take effect upon
its passage.

DATED this 29th day of January, 2003.

LINCOLN COUNTY BOARD OF COMMISSIONERS

		
Jean Cowan, Chair	Don Lindly, Commissioner	Terry Thompson, Commissioner

ATTESTED TO:


 Zola Sherwood, Recorder

APPROVED AS TO FORM:


 Wayne Belmont, County Counsel

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