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Chapter 2.42

REDUCED REDEMPTION PERIOD FOR TAX FORECLOSED PROPERTY

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2.42.010 Short title. This chapter shall be referred to as the reduced redemption period for tax foreclosed property ordinance.

2.42.020 Purpose. The purpose of this chapter is to establish a procedure for the Board to require the tax collector of the county to deed to the county pursuant to ORS 312.200 any real property sold to the county under ORS 312.100 under the circumstances set forth in ORS 312.122. Notice and hearing shall be provided as set forth in this chapter before an order is entered if:

- A. The property is subjected to waste which results in a forfeiture to the County of the right to possession 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 (6) consecutive months, and the property has suffered a substantial depreciation in value or will suffer a substantial depreciation in value if not occupied.

2.42.030 Definitions. As used in this chapter:

- A. "Foreclosed property" means real property that has been foreclosed upon pursuant to ORS 312.090 but for which the redemption period has not run.
- B. "Interested party" means any person, corporation or entity which has a recorded legal interest in a particular piece of real property, including judgment lien holders.
- C. "Owner" means that person or persons last reflected in the County tax roll.
- D. "Redemption period" means that period of time provided for in ORS 312.120 during which an owner or person with an interest in foreclosed property may redeem the property by paying all taxes, interest and penalties due and owing.
- E. "Waste" means any action which reduces the value of the foreclosed property, including, but not limited to, physical damage to any or all of the foreclosed property or the failure to protect the foreclosed property from the elements or from trespassers, irrespective of whether the action is done with or without the knowledge of the owner or possessor of the property.

2.42.040 Forfeiture of redemption period-hearing procedure A. Upon determining that real property sold to the County under ORS 312.100 may be subject to waste or abandonment, the Board shall set a date, time and place for a hearing for the purpose of determining whether the property should be deeded to the County.

B. Not less than thirty (30) days prior to the hearing provided for in subsection A of this section, the County shall notify the owner and any interested party of the hearing. The notice shall contain:

1. The date, time and place of the hearing.
2. The date of the Judgment and Decree of Foreclosure.
3. The normal date of expiration of the period of redemption under ORS

312.120.

4. A warning to the effect that if the County determines that the property is subject to waste or abandonment as provided in this Chapter, the property will be deeded to the County thirty (30) days from the date of the Board's action so determining, 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 thirty (30) day period.

5. A legal description of the property and a tax account number.
6. The name of the owner as it appears on the latest tax roll.

C. The notice provided for in subsection B of this section shall be given by both certified mail and by regular first class mail.

1. Notice given to an owner shall be addressed to the owner or owners, as reflected in the County records of deeds, 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 Tax Collector of the County pursuant to ORS 311.560.

2. Notice given to a lienholder, or person or entity other than the owner, having or appearing to have a lien or other interest in the property, shall be addressed to the lienholder, 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 lienholder, person or entity will most likely receive actual notice.

D. At the scheduled time and place, the Board shall hold a public hearing for the purpose of determining if the property is subject to waste or abandonment. The following procedures shall apply to that hearing:

1. The Board shall first hear from any Douglas County staff member with knowledge of the circumstances relating to the property.
2. Persons wishing to testify in favor of the forfeiture of the redemption rights shall than be allowed to testify.
3. The owner of record may then testify.
4. Any interested party that then appears in the records of the County may then testify.
5. Any person otherwise opposing the forfeiture may then testify.
6. Any person testifying shall be subject to cross-examination by either the Board or the owner of record.

7. Written testimony will be accepted if submitted to the Board at least five business days prior to the date of the hearing.

8. An owner or interested party may be represented by an attorney or other person of their choice.

9. There shall be no rebuttal allowed except that the Board may recall any witness for further testimony.

10. The Board may, by resolution, establish such rules relating to the conduct of a hearing in order to promote the efficiency of the hearing, provided that such rules are consistent with this section.

11. The Board may continue the hearing, from time to time, upon verbal notice at the hearing, giving a specific date, time and place for the continued hearing.

E. Following the hearing, the Board shall determine if the property is subject to waste or abandonment and whether the property should be deeded to Douglas County pursuant to ORS 312.200. Any order entered by the Board shall be served upon the Tax Collector and by first class mail upon the owner and any person who appeared, either in person or in writing, at the hearing provided for in this Section. An order requiring the Douglas County Tax Collector to deed the foreclosed property to the County shall be effective after the expiration of thirty (30) days from the date of the order, at which time the Tax Collector shall deed the property to Douglas County, unless it is sooner redeemed by the owner or any interested party.

F. An appeal from the order entered shall be taken through the Writ of Review process as set out in ORS 34.010 et seq.
(Ord. 95-2-1, 1995)