

**ACCELERATED FORECLOSURES**

## 46.010 TITLE.

This Chapter shall be known as the Polk County Tax Foreclosure Redemption Forfeiture Ordinance. [ Ord. 90-7, Sec. 1]

## 46.020 LEGISLATIVE FINDINGS.

(1) Properties foreclosed for delinquent taxes are not deeded to the County for two years after entry of the foreclosure decree. During this period the property may be redeemed upon payment of delinquent taxes, interest, and penalties.

(2) During the two-year redemption period, many properties remain vacant or undeveloped causing significant deterioration and loss of value, as well as contributing to decline of neighborhoods, discouraging investment, and attracting nuisances through accumulation of discarded material, occupancy by unauthorized persons, and establishment of criminal enterprises.

(3) The Legislative Assembly has enacted ORS 312.122, which authorizes counties to adopt ordinances to accelerate the two-year redemption period for tax foreclosed properties subject to abandonment or waste, and to require the Tax Collector to deed such property to counties, thus permitting counties to preserve the value of tax-foreclosed property and to protect community interests. [Ord. 90-7, Sec. 2]

## 46.030 DEFINITIONS.

For purposes of this Chapter, the following terms are defined:

(1) Abandonment: When property has not been occupied for a period of six consecutive months by the owner, anyone authorized by the owner, or any entity appearing in the records of the County to have a lien or other interest in the property.

(2) Board: The Polk County Board of Commissioners.

(3) Hearings Officer: Any person designated by the Board to hold hearings in the County.

(4) Tax Collector: The Polk County Tax Collector, as designated by the Board.

(5) Waste: The destruction, material alteration, or deterioration of land or improvements resulting in or threatening to result in substantial loss of property value, caused directly by the owner or person rightfully in possession of the property or permitted to be done by others through failure to supervise the property. [Ord. 90-7, Sec. 3]

## 46.040 ACCELERATION OF REDEMPTION PERIOD.

(1) Subject to hearing as provided in this Chapter, the owner and any person or entity

that appears in the records of the County to have a lien or other interest in tax-foreclosed property ordered sold to the County pursuant to ORS 312.100 shall forfeit any right of redemption in the property upon execution of a deed by the Tax Collector conveying the property to the County 30 days after the Board has declared such right forfeited.

(2) Upon determining that any tax-foreclosed property ordered sold to the County may be subject to waste or abandonment, the Board shall direct the Hearings Officer to conduct a hearing to determine whether the property should be deeded to the County pursuant to this Chapter. The Hearings Officer shall perform all acts necessary to ensure an adequate and complete hearing is provided. [Ord. 90-7, Sec. 4]

#### 46.050 NOTICE.

(1) Not less than 30 days prior to the hearing, the Hearings Officer shall notify the owner, any person, or entity that then appears in the records of the County as defined in ORS 312.126 (6) to have a lien or other interest in the property subject to hearing, and the occupants of the property, by certified mail of the following:

- (a) The date, time, and place of hearing;
- (b) The date of the judgment and decree entered pursuant to ORS 312.100;
- (c) The normal date of expiration of the period of redemption under ORS 312.120;
- (d) A warning that a determination that the property suffers waste or abandonment will result in forfeiture of the remaining redemption period and issuance of a deed to the County following expiration of 30 days after the date the Board makes such determination, and that all rights of effected persons will be forfeit forever unless the property is redeemed within that 30-day period;
- (e) The description of the property and its tax account number; and
- (f) The name of the owner as it appears on the latest tax roll.

(2) The notice required by this section shall be addressed in the following manner, as appropriate:

- (a) To an owner, to the owner or owners, as reflected in the County records, at the true and correct address of the owner as appearing on the instrument of conveyance under ORS 93.260, as furnished under ORS 311.555, or as otherwise ascertained pursuant to ORS 311.560.
- (b) To a lien holder or entity other than the owner having or appearing to have a lien or other interest in the property, to an address the Hearings Officer knows or, after reasonable inquiry, has reason to believe will most likely result in receipt of actual notice. If the lien holder is a corporation or limited partnership, notice may be mailed to its registered agent or last registered

office as shown in the records on file with the State Corporation Commissioner. If the corporation or limited partnership is not registered in this state, notice may then be sent to the principal office or place of business of the corporation or limited partnership.

- (c) To the occupants by first-class mail addressed to "Occupants," and by posting the property. [Ord. 90-7, Sec. 5]

#### 46.060 CONDUCT OF HEARING.

The hearing provided for in this Chapter shall be conducted in a manner calculated to permit full opportunity for the parties to present and challenge evidence and for the receipt of evidence without strict observance of formal evidentiary rules, to the end that the Hearings Officer may have sufficient basis on which to recommend to the Board whether forfeiture is appropriate. Parties to the hearing may appear through a representative, so long as written authorization for anyone not an attorney to represent the owner or lien holder is included in the record. Electronic recording of the proceeding shall be made and preserved for 90 days after the date of the Board's decision under Section 46.070. [Ord. 90-7, Sec. 6]

#### 46.070 ACTION BY THE BOARD.

(1) Upon a finding by the Hearings Officer that property is subjected to waste or abandonment justifying forfeiture of the remaining redemption period, the Hearings Officer shall communicate the finding to the Board for its determination. No further evidence shall be taken by the Board, but it may remand to the Hearings Officer should it require further investigation.

(2) If the Board adopts the recommendation of the Hearings Officer, it may then declare the redemption period forfeited and direct the Tax Collector to deed the property to the County not earlier than 30 days after the date of its declaration. Notice of the Board's order shall be given in the same manner provided for notice of the hearing in Section 46.050. During this 30-day period the property may be redeemed by the affected parties. [Ord. 90-7, Sec. 7]

#### 46.080 EXECUTION OF DEED; REMOVAL OF OCCUPANTS.

(1) If the property is not redeemed within 30 days after the Board acts, the Tax Collector shall execute a deed terminating all redemption rights and canceling all taxes and special assessments.

(2) Any persons still in possession of the property after issuance of a deed under this section may be removed as provided in ORS 105.105 to 105.165. [ Ord. 90-7, Sec. 8]

#### 46.090 REVIEW.

Review of the Board's decision under Section 46.070 shall lie only by Writ of Review, pursuant to ORS Chapter 34. [ Ord. 90-7, Sec. 9]