



House Bill 4056

Surplus proceeds of property tax foreclosure sales

Compilation of county policies and orders received for May 22 meeting.

BAKER

**IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF BAKER**

In the Matter of Adopting a Policy for
Disposition of Tax Foreclosed Real Property

ORDER No. 2024-112

WHEREAS, on May 25, 2023, the Supreme Court of the United States delivered an opinion in which they determined that any proceeds from a tax foreclosed property sale that exceeds the tax debt is protected by the Fifth Amendment's Takings Clause (see *Tyler v. Hennepin County*, 598 U.S. 631 (2023)); and

WHEREAS, the Policy for Disposition of Tax Foreclosed Real Property provided in Exhibit A includes provisions and procedures that satisfy the decision in *Tyler v. Hennepin County*; and

WHEREAS, it is in the County's best interest to adopt the policy as provided in Exhibit A until such time as the Oregon legislature passes legislation that addresses the *Tyler v. Hennepin County* decision; and now, therefore

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

1. The Baker County Policy for Disposition of Tax Foreclosed Real Property is hereby adopted as provided in Exhibit A, attached hereto and incorporated herein.
2. The policy provisions shall take effect immediately.
3. County staff tasked with the proper administration of sale of foreclosed property to take all actions necessary to implement the policy.

DONE and Dated on this 7th day of February, 2024.

BAKER COUNTY BOARD OF COMMISSIONERS



Shane Alderson, Chair


Christina Witham, Commissioner


Bruce Nichols, Commissioner



BAKER COUNTY ADMINISTRATIVE POLICY

POLICY NAME	DISPOSITION OF TAX FORECLOSED REAL PROPERTY
POLICY NUMBER	TBD
EFFECTIVE DATE	2/7/2024

A. Purpose. To establish County policy and procedures regarding the County’s disposition of tax foreclosed real property, that are consistent with state and federal law.

B. Definitions

1. “Acquisition Date” means the date on which a Tax Foreclosed Real Property (TFRP) is deeded to the County following foreclosure proceedings.
2. “Board” means the Baker County Board of Commissioners.
3. “Claim Period” means the period from the Acquisition Date to one (1) year after the Sale Date, except as provided in sections C.2. and C.3., below.
4. “County” means Baker County, Oregon.
5. “Heir(s)” means a person, persons or entity who succeeds to the rights and occupies the place of, or who is entitled to succeed to the state of a decedent, whether by act of the decedent or by operation of law.
6. “Prior Owner” means the Record Owner, or their heirs, assigns, or successors as demonstrated through court order and/or other legal document(s).
7. “Property Costs” means any/all taxes, interest, penalties, fees; a 10% of sale price property management fee; other actual property maintenance and supervision expenses incurred by County, pursuant to ORS 275.275(1)(a)-(c); any municipal corporation local improvement lien, plus interest and penalties as of the Sale Date, pursuant to ORS 275.275(3)(a)(A); and any administrative fees paid by purchaser pursuant to a land sale contract.
8. “Real Market Value” (“RMV”) means the property value established by the tax assessor for either the year in which the TFRP was acquired, or the year of the Sale Date, whichever is lower.
9. “Record Owner” means the individual(s) and/or entity(ies) identified as the owner in tax records at the time of foreclosure.
10. “Sale Date” means the earlier of the date on which title to property is conveyed from County to a purchaser or the date on which a memorandum of land sale contract is recorded. Sale Date shall also include the date on which the County issues a Board Order retaining the property for public use.

11. “Successor(s)” means a person or entity that acquires the assets and liability of a business entity by merger, takeover or dissolution.
12. “Tax Foreclosed Real Property” (“TFRP”) means real property acquired by County as a result of tax foreclosure following expiration of the period of redemption.

C. Eligible Property.

1. This policy shall apply to all TFRP acquired on or after the date the policy is enacted.
2. For TFRP acquired on or after May 25, 2017, and sold on or after the date the policy is enacted, the claim period shall be one (1) year from the Sale Date.
3. For TFRP acquired on or after May 25, 2017, and sold prior to the date the policy is enacted, the claim period shall be one (1) year from the date the policy is enacted.
4. TFRP acquired by County prior to May 25, 2017, shall be excluded from this policy.

D. Process for Selling or Retaining Tax Foreclosed Real Property

1. Within sixty (60) days of Acquisition Date, County shall extend an offer to sell the TFRP to the Record Owner, pursuant to ORS 275.180. Record Owner shall have thirty (30) days to enter into an agreement with County to purchase the property.
2. If no agreement is reached with Record Owner, within one (1) year of the Acquisition Date Board shall issue an Order determining whether to retain or sell the TFRP. If applicable, Board may determine whether to designate the property to Parks, or for another use.
3. TFRP to be sold shall be placed on a Sheriff’s Sale, except those with a real market value less than \$15,000 and unsuited for development pursuant to ORS 275.225(1).
 - i. The minimum bid shall be set at not less than the total Property Costs at the time of the sale, plus 15%, unless the Board determines it is in the best interest of the County to set a lower minimum bid.
4. TFRP not sold at auction or otherwise exempt from the auction requirement shall be available for private sale, placed on a Sheriff’s Sale, and/or retained by County at the Board’s discretion.
 - i. The sale price shall be not less than the total Property Costs at the time of the sale, unless the Board determines it is in the best interest of the County to set a lower minimum price. In no circumstances will the property be sold at a price less than 15% of the minimum bid set as described in Section C. (3), above. ORS 275.200
5. The Board Order authorizing sale of TFRP shall distribute amounts for any known Property Costs at the time of sale to the appropriate account(s). Any remaining proceeds shall be placed in a designated fund for further distribution pursuant to this policy.

E. Notice of Right to Claim Proceeds from Sale of TFRP

1. For all property acquired after the date of adoption of this policy, general notice of the right to submit a claim for proceeds from Sale of TFRP shall be provided as follows:
 - i. As part of any notice to any person or entity entitled to redeem the property pursuant to ORS 312.125.
 - ii. As part of the general notice of expiration of redemption period pursuant to ORS 312.190.
 - iii. Included in the Sheriff's notice of sale pursuant to ORS 275.120.

F. Distribution of Proceeds from Sale of TFRP

1. Proceeds from the sale of TFRP shall be distributed in the following order:
 - i. To County in the amount of Property Costs.
 - ii. To Prior Owner(s) who have submitted to the Board Office a completed claim form (Appendix A) and W-9 within the Claim Period.
 - (1) Surplus Proceeds paid to Prior Owner shall not exceed the lower of:
 - a. The sale price less any Property Costs; or
 - b. The RMV of the property less any Property Costs.
 - (2) The burden of demonstrating entitlement to surplus proceeds shall be on the Prior Owner. Where it is not clear to County that the claimant meets the definition of the Prior Owner and is entitled to receive surplus proceeds, a court order as to the status of the claimant shall be required to demonstrate entitlement.
 - (3) Where there is more than one Prior Owner, any individual Prior Owner may submit a claim form on behalf of all Prior Owners if such claim identifies all other Prior Owners entitled to claim surplus proceeds, includes proof of notice to all other Prior Owners, and includes either their approval of or court order as to distribution apportionment.
 - (4) Upon distribution of proceeds to one or more Prior Owners any future claim for proceeds shall be barred.
 - (5) Prior Owners who purchased the property from County shall not be entitled to surplus proceeds.
 - (6) Claim forms shall be retained for seven (7) years from the date of receipt.
 - iii. Any remaining proceeds shall be distributed pursuant to ORS 275.275(3)(a)(B), or to Parks, if so designated.
2. Proceeds received pursuant to a land sale contract shall be applied in the order described in Section F.1., except that any amounts paid to Prior Owner(s) or

taxing districts pursuant to Section F.1. shall be distributed annually less any additional Property Costs incurred since the last distribution.

3. In the event a cash sale or land sale contract is not completed and title is not conveyed to the purchaser, any proceeds received shall be applied in the order described in Section F.1. Any additional proceeds received from a subsequent sale shall be distributed in the same manner.
4. Upon expiration of the Claim Period any remaining proceeds from the sale of TFRP shall be distributed pursuant to this policy.

G. Payment on Claims for Retained TFRP

1. Where TFRP is retained by County pursuant to Board Order, the County shall place funds in the designated fund equal to the RMV less any Property Costs. If a claim is submitted within the Claim Period the funds shall be distributed pursuant to Section E.1. (ii), above. If there is no claim submitted in the Claim Period, the funds shall be returned to the County fund from which they were provided.

APPENDIX A
Request for Surplus Proceeds - Instructions

If you believe you are entitled to surplus proceeds as a result of a tax foreclosure sale, complete this form and mail or otherwise deliver it, along with the required attachments and documentation outlined below, to the following address:

Board of County Commissioners
1995 3rd St
Baker City, OR 97814

Surplus Proceeds shall only be distributed to the Prior Owner of the property. “**Prior Owner**” means the Record Owner, or their heirs, assigns, or successors as demonstrated through court order and/or other legal document(s). “**Record Owner**” means the individual(s) and/or entity(ies) identified as the owner in tax records at the time of foreclosure. The burden of demonstrating entitlement to surplus proceeds is on the Prior Owner.

Where there is more than one Prior Owner, any single Prior Owner may submit a single claim form on behalf of all Prior Owners, if such claim identifies all other Prior Owners, includes proof of notice to all other Prior Owners, and includes either their approval of or court order as to distribution apportionment. For each additional Prior Owner an Additional Prior Owner Attachment must be included along with documentation of their entitlement to claim surplus proceeds.

A Prior Owner submitting this request must:

1. Attach a copy of the property deed or other record showing prior ownership. Only one copy is required if Prior Owner consists of multiple parties.
2. Attach a copy of the front and back of current photo identification (e.g., driver’s license). Provide proof of current mailing address if different from current photo identification.
3. If applicable, attach a copy of any court order or legal document establishing Prior Owner status for all Prior Owners.
4. If you are claiming surplus proceeds on behalf of another person, please provide documentation of legal authority to do so, such as a power of attorney, conservator, guardian, etc.
5. If you are claiming property as an heir to a deceased person, provide documentation such as a death certificate or obituary. If the probate is open, include original court-certified copies of Letters of Administration or Affidavit Claiming Successor. If the probate is closed, include an original court certified copy of the Final Decree of Distribution listing the heirs.
6. Sign the completed form in the presence of a notary public.

Incomplete requests will be administratively closed after the Claim Period has expired.



REQUEST FOR SURPLUS PROCEEDS

SECTION 1. PROPERTY INFORMATION

PROPERTY ID:

MAP/TAX LOT:

PROPERTY ADDRESS

PRIOR OWNER (IDENTIFY ALL PARTIES)

SECTION 2. PRIOR OWNER INFORMATION

SELECT ONE OF THE FOLLOWING AND COMPLETE THE SECTION.

_____ MORE THAN ONE PRIOR OWNER—COMPLETE THE SECTION BELOW AND THE
ADDITIONAL PRIOR OWNER ATTACHMENT(S)

_____ I AM THE ONLY PRIOR OWNER—SEE BELOW

FULL LEGAL NAME:

DATE OF BIRTH:

MAILING ADDRESS:

PHONE NUMBER:

EMAIL ADDRESS:

SELECT ONE OF THE FOLLOWING:

_____ RECORD OWNER

_____ HEIR, ASSIGN, OR SUCCESSOR
(DOCUMENTATION ATTACHED)

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

NOTARY PUBLIC

My Commission Expires: _____



ADDITIONAL PRIOR OWNER ATTACHMENT(S)

INSTRUCTIONS: COMPLETE THIS PAGE FOR EACH ADDITIONAL PRIOR OWNER

FULL LEGAL NAME:

DATE OF BIRTH:

MAILING ADDRESS:

PHONE NUMBER:

EMAIL ADDRESS:

STATUS (SELECT ONE):		RECORD OWNER	
		HEIR, ASSIGN, OR SUCCESSOR (DOCUMENTATION ATTACHED)	
NOTICE OF CLAIM FOR SURPLUS PROCEEDS WAS PROVIDED TO THIS PRIOR OWNER (ATTACH PROOF OF NOTICE)		YES	NO
DATE PROVIDED:			
BY (PERSON/ENTITY PROVIDING NOTICE):			
METHOD OF NOTICE:			

DISTRIBUTION OF SURPLUS PROCEEDS

A COURT ORDER REGARDING ALLOCATION OF SURPLUS PROCEEDS IS ATTACHED

THE PRIOR OWNER IDENTIFIED ABOVE AGREES TO RECEIVE THE FOLLOWING ALLOCATION OF PROCEEDS (IDENTIFIED PRIOR OWNER MUST SIGN BELOW IN THE PRESENCE OF A NOTARY):

**IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF BAKER**

IN THE MATTER OF

SUSPENDING IMPLEMENTATION OF
THE BAKER COUNTY POLICY FOR
DISPOSITION OF TAX FORECLOSED
REAL PROPERTY

Order No. 2024-126

WHEREAS, the Board of Commissioners adopted the Baker County Policy for Disposition of Tax Foreclosed Real Property on February 7th, 2024 providing a process for determination of, and distribution of, surplus proceeds from the sale of tax foreclosed real property; and

WHEREAS, the Oregon Legislature passed HB 4056 on March 4th, 2024, making certain requirements of Oregon counties and the Oregon Department of Revenue (ODOR) to address issues related to the U.S. Supreme Court decision *Tyler v. Hennepin County*, 598 U.S. 631 (2023), including tasking ODOR with determining a uniform process by which the counties will determine and distribute surplus proceeds from the sale of tax foreclosed real property and otherwise comply with HB 4056; and


WHEREAS, the Board of Commissioners is aware of federal class-action law suits and one state Circuit Court case currently active in the courts that address constitutional questions related to the disposition of sale proceeds from tax foreclosed real property in Oregon, and Commissioners further acknowledge that the outcomes of those pending cases will impact Baker County's handling of tax foreclosed real property and the proceeds from any sale of such property; and now, therefore

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

1. The Baker County Policy for Disposition of Tax Foreclosed Real Property is hereby held in abeyance and implementation shall be suspended until such time as there is clear direction from the Oregon Department of Revenue, the Oregon Legislative Assembly, or a court of competent jurisdiction, regarding a uniform process for determination and distribution of proceeds from the sale of tax foreclosed real property deeded to Baker County.
2. The abeyance and suspension shall take effect immediately.
3. County staff tasked with the proper administration of sale of foreclosed property will take all actions necessary to ensure compliance with this Order.

DONE and Dated on this 15th day of May, 2024.

BAKER COUNTY BOARD OF COMMISSIONERS


Shane Alderson, Chair


Christina Witham, Commissioner


Bruce Nichols, Commissioner

CLACKAMAS

Notice of Potential Surplus Funds

Date: 8/24/2023

If you are a prior owner of record of a tax foreclosed property in Clackamas County and the property sold at the June 21, 2023 Clackamas County Sheriff's Real Property Surplus Auction, you may have surplus funds available to you. **[See a list of properties sold at the auction.](#)**

Surplus funds are the amount of funds remaining after the Clackamas County Department of Transportation and Development (DTD) Property Disposition Division sells a tax foreclosed property and recovers the taxes, penalties, and costs.

Prior owners of record have **until Jan. 26, 2024** to complete and return the required claim forms and supporting documentation to Clackamas County DTD Property Disposition Division.

CLAIM FORM

Contact

Property Disposition
Division

503-742-4384

realpropertysurplus@clackamas.us

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Adopting Revised
Property Disposition Policy and
Procedures



Order No. **2018-100**

WHEREAS, the Property Disposition Division of the Business and Community Services Department of Clackamas County has policies and procedures related to the sale or transfer of certain property; and

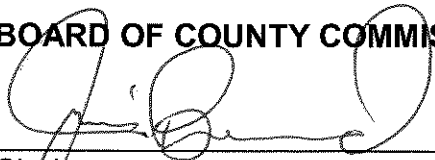
WHEREAS, on September 25, 2018 the Board of County Commissioners met to discuss proposed changes to the Policies and Procedures for the Sale, Transfer and Administration of Tax Foreclosed and Surplus County Property; and

Now, therefore, it is hereby ordered:

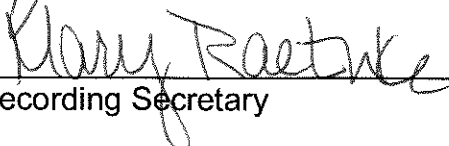
1. That the Clackamas County Board of County Commissioners hereby adopts the Policies and Procedures for the Sale, Transfer and Administration of Tax Foreclosed and Surplus County Property as shown on Attachments A and B to this board order.

DATED this 4th day of October, 2018

BOARD OF COUNTY COMMISSIONERS



Chair



Recording Secretary



Business & Community Services Department

TITLE: PROPERTY DISPOSITION POLICIES

Attachment A

Originally Adopted: March 11, 2014

Last Updated: September 12, 2018

PURPOSE:

Establish Policies for the Sale, Transfer and Administration of Tax Foreclosed and Surplus County Property.

POLICY STATEMENT:

Real property acquired by Clackamas County (the County) in any manner which is not needed for County use shall be declared surplus, except as otherwise provided for by Oregon law.

The Property Disposition Manager and BCS Director/Deputy Director will annually review and recommend to the Board of County Commissioners those real properties to be declared surplus and considered for transfer or sale. Surplus real properties shall be sold or transferred according to the procedures adopted by the County, which follow Oregon law where applicable.

The Board of County Commissioners will authorize by Board Order the list of surplus properties to be transferred or sold through the auction process. The Board of County Commissioners delegates its authority to the Business and Community Services Director and Deputy Director to develop and implement the procedures necessary and by which surplus property is transferred or sold in accordance with ORS 275 and other applicable Oregon laws.

The costs incurred by the County in the maintenance, management and administration of properties acquired by the County will be determined annually by the BCS Director. As Property Disposition is not general fund supported, the BCS Director shall ensure at all times that the necessary operational and capital reserve requirements are maintained prior to releasing excess funds as follows:

- Four (4) years of operating expenses are held in reserve and calculated annually
- Capital requirements in the amount of \$100,000.00 shall be held in reserve
- Property Cleanup and Unknown Liabilities Reserve Funds shall be held in the amount of \$500,000.00 for those assets that do not qualify as a Brownfield (i.e. site mitigation, building teardowns, legal, etc.)

RELATED RULE:

The Board of County Commissioners further delegates under Board Order 2015-27 its authority to authorize final sales to the Director or Deputy Director of the Business and Community Services Department and Clackamas County Administration





Business & Community Services Department

TITLE: PROPERTY DISPOSITION PROCEDURES

Attachment B

Originally Adopted: March 11, 2014

Last Updated: September 12, 2018

PURPOSE:

Establish procedures for the Sale, Transfer and Administration of Tax Foreclosed and Surplus County Property consistent with adopted Policy.

The Director of Business and Community Services has directed the Property Disposition Division to manage tax foreclosed properties to secure the Highest Permanent Value benefitting the citizens of Clackamas County. Highest Permanent Value is defined as managing, administering and dispersing of tax foreclosed and surplus real property assets in a timely and cost effective manner that can provide a full range of social, economic and environmental benefits for the citizens of Clackamas County.

PROCEDURES:

A. General

1. Property Disposition Division shall annually:
 - a. Review its real property inventory of assets and identify tax foreclosed properties to consider for sale or transfer.
 - b. Review its budget and reserve requirements to determine available net real property revenue for distribution to the taxing districts within Clackamas County.
2. The sale or transfer of tax foreclosed properties shall be made by the Property Resources Division in accordance with ORS 275.000 to ORS 275.340 and ORS 271.300 to 271.360 and the following Highest Permanent Value criteria:
 - a. Transfer of property to taxing districts and other eligible entities – to meet local resource and public benefit needs (i.e. parks, open space, Brownfield sites)
 - b. Return property to tax rolls
 - c. Board of County Commissioners, or those with delegated authority, shall have final approval of those properties considered for transfer or sale.
 - d. At the discretion of the County, and with extenuating circumstances, the record owner or contract purchaser may be given the opportunity to repurchase the property pursuant to ORS 275.180. Said repurchase shall be in the amount of the total back taxes, interest, penalties and County administrative fee. Such repurchase or agreement to repurchase must occur within six (6) months following the expiration of the statutory redemption period commencing with the filing of the foreclosure deed.





Business & Community Services Department

TITLE: PROPERTY DISPOSITION PROCEDURES

B. Transfer Objective

Property Disposition Management Team will consider the tax foreclosed property assets to be declared as surplus and develop a list of available properties which will be distributed to County Departments, local Municipalities, County agencies and Special Districts.

1. Should any of the eligible entities above request a transfer of a property, transfers will be based on the following conditions:
 - a. Subject to final approval of the Board of County Commissioners.
 - b. Property will be used for a perpetual public use benefit (i.e. park, open space, greenway, trail, easement, Brownfield sites, etc.) consistent with an adopted strategic plan, master plan or other long term management plan of the requesting entity.
 - c. Property shall be conveyed for the Transfer Value as calculated on the back taxes, interest, penalties owed, plus associated costs (title report, deed recording, etc.) and Property Disposition administrative fee as determined under Section E. In certain cases, the set value of the property will be based on an appraised value (i.e. public benefit value) in consideration of its limited use under ORS 271.310 to 271.330.
 - d. Brownfield sites transferred to Land Bank Authority subject to ORS 271.310 and 271.335 and:
 - i. Transfer Value is paid in the amount of back taxes, penalties, interest, and administration fee in compliance with ORS 275.275 and as determined in Section E below.
2. Properties in excess of \$15,000 (Assessor's Estimate of Real Market Value – ARMV) are assigned to public auction; properties with an ARMV of less than \$15,000 will be considered for private marketing or assigned to public auction under ORS 275.225 (a)

C. Tax Roll Objective

Board of County Commissioners will declare tax foreclosed property assets as surplus and the Property Disposition Management Team will put them up for public auction. Public Oral Auction considerations include:

1. Value will be based on the Assessor's estimate of Real Market Value (ARMV) and/or Independent Appraised Value (IAV) at the discretion of Property Resources Division.
2. Minimum bid amounts will generally be set, but not limited to, the following criteria:
 - a. 25% of ARMV:
 - i. Property is not buildable
 - ii. Property is constrained by one or more of the following:
 - Identified wetlands or riparian overlays
 - Identified septic limitations
 - iii. Review of adjacent parcels show no existing improvements
 - iv. No public access or deeded easement for access
 - b. 50% of ARMV:
 - i. Property may be buildable





Business & Community Services Department

TITLE: PROPERTY DISPOSITION PROCEDURES

- ii. Property is constrained by one or more of the following:
 - Identified wetlands or riparian overlays
 - Identified septic limitations
 - iii. Review of adjacent parcels show no, or minimal existing improvements
 - iv. Limited public access or deeded easement.
- c. 75% of ARMV:
- i. Property is buildable or has existing improvements
 - ii. Review of adjacent parcels show existing improvements
 - iii. Public access or deeded easements are identified
- d. 100% of Appraised Value
- i. Property is of high value and has considerable interest
 - ii. Independent Third Party Verification will be obtained. The Property Resources Manager will obtain an Opinion of Value/Salability or Appraisal from qualified professionals on high value or significant parcels, in order to validate setting minimum bid price.
 - iii. Third party verification may be considered for all properties at the Property Resources Manager's discretion.

D. Properties not selling at the Oral Public Auction

The Property Disposition Management Team will review and consider the tax foreclosed property assets and consider the following options:

1. Property may be placed with a private real estate broker (market value)
2. Property may be considered for transfer to a qualifying special district or non-profit organization per ORS 271.330
 - a. Properties being transferred will be conveyed for a minimum of back taxes, interest, penalties owed, plus associated costs (title report, deed recording) and a Property Disposition administrative fee as set by Property Resources Manager.
 - b. A property list may be made available and distributed to qualifying nonprofit organizations.
3. Property may be removed from the current surplus inventory list at any time by the Property Disposition Management Team and/or Board of County Commissioners.

E. Property Disposition Division - Cost Recovery and Administrative Fee Schedule

Oregon Revised Statutes (ORS275.275) provides for Property Disposition Division to recover annual operational expenses. With consideration that the Property Disposition Division is not general fund supported, the Property Disposition Division shall be entitled to recover the direct and indirect costs associated with managing, selling, and transferring tax foreclosed and surplus real properties.





Business & Community Services Department

TITLE: PROPERTY DISPOSITION PROCEDURES

1. Direct costs include such services related to property inspections, title and property history searches, document and legal review, document preparation, accounting, sale/transfer preparation, deed recording, property liability mitigation, and other property management services as needed. The property account will be charged for the direct costs for title reports, property appraisals, deed recording and for those direct property management services performed at the established billable rates set by the Business and Community Services Department.
2. Indirect costs will be assessed to the sale or transfer of properties for administration of Property Disposition allocated cost services (reporting, accounting, legal, liability, etc.) using the following fee schedule (based on property sale or transfer value):
 - a. \$1 to \$15,000 – 15% (minimum \$150.00)
 - b. \$15,001 to \$50,000 – 12%
 - c. \$50,001 to \$100,000 – 10%
 - d. \$100,001 to \$500,000 – 8%
 - e. \$500,001 to \$1,000,000 – 5%
 - f. > \$1,000,000 – 3%
3. Former Record Owner or Contract Purchaser Repurchase fee – no less than 2% of property assessed value plus back taxes, interest, and penalties.

RELATED RULE:

The Board of County Commissioners further delegates under Board Order 2015-27 its authority to authorize final sales to the Director or Deputy Director of the Business and Community Services Department and Clackamas County Administration.





DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD OREGON CITY, OR 97045

Clackamas County Real Property Surplus Funds Claim Form

Please complete all sections of this application accurately and provide all required documentation to support your claim for surplus funds.

APPLICATION

1. Clackamas County Property Disposition Division will not accept applications from third parties, other than from attorneys licensed to practice law in Oregon. The Division does not recognize applications from asset recovery firms or non-attorneys who purport to represent claimants. **A licensed attorney should submit a written, notarized statement from the claimant authorizing the attorney to act on the claimant's behalf.**
2. Incomplete or illegible applications will not be considered.
3. The following information must be provided for each person that was entitled to surplus proceeds at the time of the sale: full name, current physical address, telephone number, copy of State issued Driver's License, State issued ID or passport, completed W-9 and County-required vendor forms and percent ownership of the property at the time of sale. US Post Office boxes are not acceptable physical addresses. Applications without physical addresses will not be accepted.
4. In the event of a dispute between two or more claimants regarding surplus funds, or in other situations where the Property Disposition Division deems it necessary, the Division may interplead funds to Clackamas County Circuit Court in Oregon. See Oregon Rules of Civil Procedure 31.
5. Please provide supporting documentation stating why applicant is entitled to surplus funds. Also include original supporting documents to verify your claim (e.g., deed, death certificate, court order). If you are claiming as an heir, provide a properly completed Affidavit pursuant to Probate laws and a notarized verification of proof of identity and the percentage of the claim you are owed. The Property Disposition Division will only release surplus proceeds to a legitimate claimant or claimant's attorney.
6. Claims will be processed 180 days after receipt by the Property Disposition Division.



DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD OREGON CITY, OR 97045

THIS APPLICATION MUST BE NOTARIZED BY A NOTARY PUBLIC BEFORE SUBMITTING.

Section 1: Property Details

Parcel No.: _____

Property Address: _____

City: _____ State: _____ ZIP: _____

Auction Date of Sale: _____

Section 2: Claimant Information

By submitting this form, I claim surplus proceeds for the sale of the above referenced tax foreclosed property in the amount of \$_____ or _____% per cent of available proceeds based upon my interest in the described property as a:

- Owner of Record
- Qualified Heir
- Assignee or Party of Interest
- Lien holder

Claimant's Full Name(s): _____

Claimant's Physical Address: _____

City: _____ State: _____ ZIP: _____

Claimant's Mailing Address: Check if same as physical address

Claimant's Mailing Address _____

City: _____ State: _____ ZIP: _____

Claimant's Phone Number: _____

Claimant's Email Address: _____

Driver License State and No.: _____

Provide Copy Front & Back of Driver's License, State ID or Passport
Expired photo identification will not be accepted.



DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD OREGON CITY, OR 97045

Section 2 cont'd:

Were you the sole owner of the property listed above at the time of foreclosure? Yes No

If not, please provide a claim form, or notarized statement, for all additional owners releasing their portion of the surplus funds and waiving rights to future claims. Statements must include copies of approved identification.

If a Claimant has authorized an attorney to make a claim on their behalf, the claimant must submit notarized documentation naming and authorizing the attorney to act on their behalf. If claimant is requesting a check be made payable to their attorney, please provide the following information:

Attorney's Full Name: _____

Attorney's Bar Number: _____

Attorney's Mailing Address: _____

City: _____ State: _____ ZIP: _____

Attorney's Phone Number: _____

Attorney's Email Address: _____

Make Check Payable to: _____



DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD OREGON CITY, OR 97045

Section 3: Documentation Checklist

Please attach the following documents to support your claim:

Required for all claimants:

- ✓ Copies of Front & Back of Photo Identification – State issued driver’s license, state issued identification or US Passport.
- ✓ Proof of Claimants Interest in the Property - Attach copies or original documents to verify your claim.
 - Acceptable documentation includes:
 - Original or certified copy of recorded deed at time of claimant’s purchase
 - Assignments
 - Original promissory note
 - Executed probated will or Trust documents if applicable (Heir to Owner of Record)
 - Court Order
- ✓ Court Orders or Judgments Related to the Surplus Funds (if applicable).
- ✓ Other Relevant Supporting Documentation
- ✓ Clackamas County Vendor Packet
- ✓ Clackamas County Vendor ACH Form if applicable

Clackamas County reserves the right to ask for additional supporting documentation as needed to confirm statements made on this claim form.

Section 4: Claim Statement

Please provide a detailed statement explaining the basis of your claim and why you believe you are entitled to the surplus funds. Include any relevant facts, evidence, or legal arguments to support your claim. You may continue explanation on a separate page if needed.



DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD OREGON CITY, OR 97045

Section 5: Release and Indemnification Agreement to be signed by each claimant – Notary Required.

Personally appeared before me the undersigned deponent, who being duly sworn, says on oath as follows:

That the following property was owned by _____ at the time the foreclosure proceedings commenced in Clackamas County Circuit Court, to wit: the tract or parcel of land located in Clackamas County, Oregon with the current address _____, and parcel number _____, as recorded in the records of the Clerk of Clackamas County, Oregon as being the same property that was sold for delinquent taxes on _____.

That at the time of said above tax sale (check one):

_____ there were no outstanding security deeds, liens or other encumbrances existing on said property; or

_____ the only outstanding security deeds, liens, or encumbrances on said property on the date of tax sale are listed below:

<u>Name of Lienholder</u>	<u>Address of Lienholder</u>	<u>Amount of Lien</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____



DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD OREGON CITY, OR 97045

Section 5 Cont'd:

The undersigned is entitled to receive all the surplus from the Clackamas County Property Disposition Division by virtue of said tax sale.

The undersigned further states:

- The surplus funds are due to the undersigned and there are no other rightful claimants to the proceeds (no other owner of record at the time of the foreclosure lawsuit was filed).
- The undersigned is requesting a check made payable to the party who held title on the date the foreclosure lawsuit was filed and to be sent to the address provided below or to their attorney as listed below.
- The undersigned will provide photo identification, proof of ownership and supporting documentation **as listed in Section 3 - Documentation Checklist**.
- The undersigned acknowledges that it will take up to 180 days to process the claim once the Property Disposition Division receives it and the payment will be issued after 180 days.
- The undersigned agrees to indemnify and hold harmless Clackamas County, its officers, directors, employees, agents, and affiliated entities from and against all claims, damages, liabilities, costs, and expenses, including but not limited to attorney fees, arising out of or relating to real property surplus funds.
- The Claimant acknowledges that this indemnification constitutes a full and final settlement of all rights or claims that may exist or arise through the date of this agreement regarding the subject matter of indemnification. Clackamas County shall have no obligation to make further payments or satisfy any additional claims arising from the same event, condition, or circumstance.
- The Claimant waives any further rights to pursue any additional claims, suits, demands, or causes of action against Clackamas County, its successors, agents, or assigns, relating to real property surplus funds.



DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD OREGON CITY, OR 97045

Section 5 cont'd:

By completing and signing this form, I certify that all information provided herein is true and accurate to the best of my knowledge. I understand that any false statements or omissions may result in the denial of my claim.

PLEASE PRINT OR TYPE

Claimant's Signature: _____

Date: _____

Claimant's Signature: _____

Date: _____

Claimant's Signature: _____

Date: _____

AND (If there is an attorney)

Attorney's Name: _____

Signature of Attorney: _____

Date: _____



DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD OREGON CITY, OR 97045

Section 5 cont'd - Notary:

State of Oregon)

County of Clackamas)

On this _____ day of _____, before me, _____,
the undersigned Notary Public, personally appeared _____,
personally known to me, and acknowledged to me the execution of this instrument as the
_____ on behalf _____.

WITNESS my hand and official seal.

Commission expires _____

Section 6: Submission

Please submit the completed claim form and all required documentation to the following address:

Clackamas County Property Disposition
Department of Transportation and Development
150 Beaver Creek Road
Oregon City, OR 97045

Alternatively, you may email the completed form and attachments to D'Anne Rome at
DRome@clackamas.us

Thank you for submitting your claim for surplus funds. We will review your submission and
communicate any further steps or requirements.

COOS

Coos County Filing Cover Sheet

06/23/2023 10:20:34 AM

TO: Coos County Clerk's Office



2023-0423

FROM: County Counsel

The original document will be filed, scanned, indexed and returned to your office.

Please file the attached document in the selected category indicated in the box below using the following information:

Commissioner Journal Filings				
Affidavit of Publication	R=3Y	X	Orders and/or Resolutions	R=P
Board of Commissioners	R=P		Payroll Resolutions	R=P
BoPTA	R=6Y		Registry of Offices	R=6YAE
Contracts & Agreements	R=P		Special District Budget	R=P
County Budget	R=P		Special District <small>Formations, Annexations, Dissolutions, Election Results</small>	R=P
County Code	R=P		Vacation Proceedings	R=P
Minutes - BOC	R=P		R=Retention P=Permanent Y=Year AE=After Expiration	

INDEXING INFORMATION

Affected Parties Names:

Board of Commissioners

Subject of Document :

Brief description, minutes, contracts, orders, etc.

Order

Resolution or Order #:

Example: 18-2-156-X

23-06-037L

Document Remarks:

Order 23-06-037L Matter of Approving A County Policy on the Distribution of Tax Foreclosure Sale Proceeds in Accordance with the United States Supremen Court's Decision in Tyler V. Hennepin County

Date of Meeting or of Document:

"Date Only"

June 20, 2023

Clerk use -	Filed:	Scanned:	Indexed:	Verified:
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1
2 BOARD OF COMMISSIONERS
3 COUNTY OF COOS
4 STATE OF OREGON

4 IN THE MATTER OF APPROVING A COUNTY POLICY) ORDER
5 ON THE DISTRIBUTION OF TAX FORECLOSURE SALE) 23-06-037L
6 PROCEEDS IN ACCORDANCE WITH THE UNITED)
7 STATES SUPREME COURT'S DECISION IN TYLER V.)
8 HENNEPIN COUNTY)

8 NOW BEFORE the Coos County Board of Commissioners (the "Board"), sitting for the
9 transaction of County business on the 20th day of June, 2023, is the matter of approving a policy
10 on the distribution of tax foreclosure sale proceeds in accordance with the decision of the United
11 States Supreme Court ("Supreme Court") in *Tyler v. Hennepin County*. The Board makes the
12 following findings:

- 13 A. ORS 275.275(3) provides that, after certain refunds to cover County costs as set forth in
14 ORS 275.275(1), proceeds from tax foreclosure sales are to be distributed to taxing districts
15 in accordance with the formula provided in ORS 311.390. This distribution to taxing
16 districts is not limited by Oregon statute to the tax debt owed by a former property owner.
17
18 B. ORS 275.275(1) allows the County to use proceeds from tax foreclosure sales to reimburse
19 the County general fund for the amount actually paid by the county to advance state tax,
20 the penalties and fees described in ORS 312.120, and the costs actually incurred by the
21 County in the maintenance and supervision of the tax foreclosed properties.
22
23 C. In *Tyler v. Hennepin County*, the Supreme Court held that it was unconstitutional for a
24 government entity to retain any surplus funds generated from a tax foreclosure sale.
25 However, the *Tyler* ruling does not preclude the County from using the proceeds of a tax
26 foreclosure sale to reimburse its actual costs and expenses in attempting to collect the back
27 tax, reimbursing any fees allowed by Oregon law, and reimbursing its costs actually

1 incurred in the maintenance and supervision of the tax foreclosure properties. These
2 reimbursements may be deducted from any calculation of surplus that must be remitted to
3 a former property owner.

4 D. To the extent that ORS 275.275 calls for the County to distribute surplus from tax
5 foreclosure sales to government entities, it is unconstitutional and cannot be administered
6 by the County as currently written.

7
8 E. Oregon Law currently provides for no formal process for providing a former property
9 owner with the opportunity to claim the surplus from a tax foreclosure sale. The Board
10 finds that a former property owner shall be given a reasonable notice of 90 days in which
11 to collect surplus property. Providing a period of time for a former property owner to claim
12 the surplus is endorsed by the Supreme Court's decision in *Tyler*.

13 NOW, THEREFORE, BE IT HEREBY RESOLVED as follows:

14 1. To comply with the Supreme Court's decision in *Tyler v. Hennepin County*, the County
15 shall initially distribute the proceeds from the sale of tax foreclosed real property in any
16 fiscal year, on or before June 30 in the applicable year, as follows:

17
18 a. First, the County shall apply the proceeds arising from a tax foreclosure sale to
19 the County's general fund in accordance with ORS 275.275(1)(a)-(c). General
20 administrative expenses not attributable to specific tax foreclosed property shall
21 be drawn equally from the proceeds of each foreclosure sale. Costs attributable to
22 specific tax foreclosed properties shall be reimbursed to the County from the
23 proceeds of the sale of the property for which the cost was incurred. For example,
24 the County shall be reimbursed for the costs of cleaning a specific property from
25 the tax foreclosure sale proceeds for that property.

26
27 b. Next, the County shall distribute remaining funds pursuant to ORS 275.275(3),

1 subject to the limitations of this Section. The distribution to the taxing districts
2 under ORS 275.275(3)(B) shall not exceed the sum total of all outstanding taxes,
3 fees, and interest, not covered in Section 1.a. above, and attributable to the tax
4 foreclosure properties sold by the County.

5 2. The Tax Collector shall calculate any surplus that must be returned to a former property
6 owner after distribution under Section 1 above. The surplus shall be calculated starting
7 with the total price a property brought at action, then subtracting the County's costs
8 attributable to the property under Section 1.a. above along with the total tax, fees, and
9 interest attributable to the property and distributed under Section 1.b. above. Any
10 remaining value shall be considered the surplus.

11 3. A former property owner shall have ninety (90) days from the date of the mailing of the
12 notice specified in Section 5 below to claim any surplus from a tax foreclosure sale.

13 4. A former property owner shall have thirty (30) days from the date of the mailing of the
14 notice specified in Section 5 below to file a written appeal of the County's surplus
15 calculation. The appeals process shall be conducted as follows:
16

17 a. A former property owner shall file a written appeal with the Coos County Tax
18 Collector.
19

20 b. The County shall schedule a hearing on the appeal no sooner than 14 days after
21 receipt of the notice of appeal, and no later than ninety (90) days from the mailing
22 of the notices under Section 5 below.
23

24 c. The hearing on appeal shall be before the Coos County Board of Commissioners
25 or a hearings officer appointed by the Board to hear appeals under this Resolution.

26 d. At the hearing, the County shall bear the burden of proving, by a preponderance
27 of the evidence, that its surplus calculation was correct.

1 e. The decision of the Coos County Board of Commissioners, or appointed hearings
2 officer, is the final decision of the County. This final decision is appealable to the
3 Coos County Circuit Court by filing a Writ of Review pursuant to ORS 34.010 to
4 34.100.

5 5. For any property generating a tax foreclosure surplus, the Tax Collector shall provide a
6 notice by both certified and first-class mail to the former owner(s) as follows:
7

8 a. The notice shall identify the property by tax lot number and contain the amount of
9 the surplus, the tax foreclosure sale price of the property, the amount of the taxes,
10 fees, and interest distributed to the taxing districts, and the amount of the
11 distribution to the County pursuant to ORS 275.275(1)(a)-(c), including any
12 expenditures specifically attributable to the property.

13 b. The notice shall state that the recipient has ninety (90) days from the date of the
14 letter to claim the surplus.

15 c. The notice shall state that the recipient may challenge the County's calculation of
16 the surplus by filing a written appeal with the Tax Collector no later than thirty
17 (30) days from the date of the notice.
18

19 6. In addition to the notice mailed under Section 5 above, the Tax Collector shall publish a
20 notice in a newspaper of general circulation in the County as follows:

21 a. The notice shall be published within fourteen (14) days of the date of mailing the
22 notice set forth in Section 5 above.

23 b. The notice shall identify, by tax lot number, each property for which a tax
24 foreclosure surplus exists. The notice shall specify the time period in which
25 former owners must file an appeal and claim the surplus funds and shall direct any
26 interested party to contact the Tax Collector's office as soon as possible for more
27

1 information.

2 7. If a former owner fails to claim tax foreclosure surplus within 90 days of the Section 5
3 notice, the surplus shall be deemed abandoned and revert to the possession of the County.

4 The County may distribute any unclaimed surplus in the following order:

5 a. In the event that the County's costs were not fully reimbursed by the initial
6 distribution authorized under Section 1.a. above, the unclaimed funds shall first be
7 used to reimburse the County's general fund for these remaining costs.

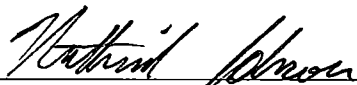
8 b. All remaining funds shall be distributed to the taxing districts pursuant to ORS
9 275.275(3).
10

11 8. This resolution shall remain in full force and effect until the Oregon legislature amends
12 the tax foreclosure process to comply with *Tyler v. Hennepin County*.

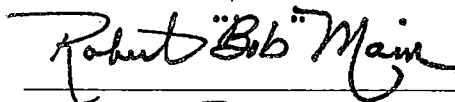
13 Dated this 20th day of June, 2023.

14 Approved as to form:

Coos County Board of Commissioners

15
16 

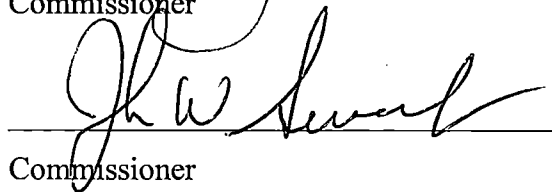
17 Office of Legal Counsel



Chair



Commissioner



Commissioner

Coos County Filing Cover Sheet

07/24/2023 2:21:39 PM

TO: Coos County Clerk's Office



2023-0654

FROM: County Counsel

The original document will be filed, scanned, indexed and returned to your office.

Please file the attached document in the selected category indicated in the box below using the following information:

Commissioner Journal Filings				
Affidavit of Publication	R=3Y	<input checked="" type="checkbox"/>	Orders and/or Resolutions	R=P
Board of Commissioners	R=P	<input type="checkbox"/>	Payroll Resolutions	R=P
BoPTA	R=6Y	<input type="checkbox"/>	Registry of Offices	R=6YAE
Contracts & Agreements	R=P	<input type="checkbox"/>	Special District Budget	R=P
County Budget	R=P	<input type="checkbox"/>	Special District <small>Formations, Annexations, Dissolutions, Election Results</small>	R=P
County Code	R=P	<input type="checkbox"/>	Vacation Proceedings	R=P
Minutes - BOC	R=P	<input type="checkbox"/>	R=Retention; P=Permanent Y=Year AE=After Expiration	

INDEXING INFORMATION

Affected Parties Names:

Board of Commissioners

Subject of Document :

Brief description, minutes, contracts, orders, etc.

Order

Resolution or Order #:

Example: 18-2-156-X

23-07-044L

Document Remarks:

Order 23-07-044L Matter of Approving an amended County Policy on the Distribution of Tax Foreclosure Sale Proceeds in Accordance with the United States Supreme Court's Decision in Tyler V. Hennepin County

Date of Meeting or of Document:

"Date Only"

July 18, 2023

Clerk use -	Filed:	Scanned:	Indexed:	Verified:
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1
2 BOARD OF COMMISSIONERS
3 COUNTY OF COOS
4 STATE OF OREGON

5 IN THE MATTER OF APPROVING AN AMENDED) ORDER
6 COUNTY POLICY ON THE DISTRIBUTION OF TAX) 23-07-044L
7 FORECLOSURE SALE PROCEEDS IN ACCORDANCE)
8 WITH THE UNITED STATES SUPREME COURT'S)
9 DECISION IN TYLER V. HENNEPIN COUNTY)

10 NOW BEFORE the Coos County Board of Commissioners (the "Board"), sitting for the
11 transaction of County business on the 18th day of July, 2023, is the matter of approving an amended
12 policy on the distribution of tax foreclosure sale proceeds in accordance with the decision of the
13 United States Supreme Court ("Supreme Court") in *Tyler v. Hennepin County*. The Board makes
14 the following findings:

- 15 A. The Board wishes to amend the previous policy as set forth in Order 23-06-037L in order
16 to provide more time for a previous owner of tax foreclosed property to claim any surplus
17 generated by a tax foreclosure sale and to challenge the surplus calculation. In all other
18 respects, the previous policy remains unchanged.
- 19 B. ORS 275.275(3) provides that, after certain refunds to cover County costs as set forth in
20 ORS 275.275(1), proceeds from tax foreclosure sales are to be distributed to taxing districts
21 in accordance with the formula provided in ORS 311.390. This distribution to taxing
22 districts is not limited by Oregon statute to the tax debt owed by a former property owner.
- 23 C. ORS 275.275(1) allows the County to use proceeds from tax foreclosure sales to reimburse
24 the County general fund for the amount actually paid by the county to advance state tax,
25 the penalties and fees described in ORS 312.120, and the costs actually incurred by the
26 County in the maintenance and supervision of the tax foreclosed properties.
- 27 D. In *Tyler v. Hennepin County*, the Supreme Court held that it was unconstitutional for a

1 government entity to retain any surplus funds generated from a tax foreclosure sale.
2 However, the *Tyler* ruling does not preclude the County from using the proceeds of a tax
3 foreclosure sale to reimburse its actual costs and expenses in attempting to collect the back
4 tax, reimbursing any fees allowed by Oregon law, and reimbursing its costs actually
5 incurred in the maintenance and supervision of the tax foreclosure properties. These
6 reimbursements may be deducted from any calculation of surplus that must be remitted to
7 a former property owner.
8

9 E. To the extent that ORS 275.275 calls for the County to distribute surplus from tax
10 foreclosure sales to government entities, it is unconstitutional and cannot be administered
11 by the County as currently written.

12 F. Oregon Law currently provides for no formal process for providing a former property
13 owner with the opportunity to claim the surplus from a tax foreclosure sale. The Board
14 finds that a former property owner shall be given a reasonable notice of two years in which
15 to collect surplus property. Providing a period of time for a former property owner to claim
16 the surplus is endorsed by the Supreme Court's decision in *Tyler*.
17

18 NOW, THEREFORE, BE IT HEREBY RESOLVED as follows:

19 1. To comply with the Supreme Court's decision in *Tyler v. Hennepin County*, the County
20 shall initially distribute the proceeds from the sale of tax foreclosed real property in any
21 fiscal year, on or before June 30 in the applicable year, as follows:

- 22 a. First, the County shall apply the proceeds arising from a tax foreclosure sale to
23 the County's general fund in accordance with ORS 275.275(1)(a)-(c). General
24 administrative expenses not attributable to specific tax foreclosed property shall
25 be drawn equally from the proceeds of each foreclosure sale. Costs attributable to
26 specific tax foreclosed properties shall be reimbursed to the County from the
27

1 proceeds of the sale of the property for which the cost was incurred. For example,
2 the County shall be reimbursed for the costs of cleaning a specific property from
3 the tax foreclosure sale proceeds for that property.

4 b. Next, the County shall distribute remaining funds pursuant to ORS 275.275(3),
5 subject to the limitations of this Section. The distribution to the taxing districts
6 under ORS 275.275(3)(B) shall not exceed the sum total of all outstanding taxes,
7 fees, and interest, not covered in Section 1.a. above, and attributable to the tax
8 foreclosure properties sold by the County.
9

10 2. The Tax Collector shall calculate any surplus that must be returned to a former property
11 owner after distribution under Section 1 above. The surplus shall be calculated starting
12 with the total price a property brought at action, then subtracting the County's costs
13 attributable to the property under Section 1.a. above along with the total tax, fees, and
14 interest attributable to the property and distributed under Section 1.b. above. Any
15 remaining value shall be considered the surplus.
16

17 3. A former property owner shall have two years from the date of the mailing of the notice
18 specified in Section 5 below to claim any surplus from a tax foreclosure sale.

19 4. A former property owner shall have one years from the date of the mailing of the notice
20 specified in Section 5 below to file a written appeal of the County's surplus calculation.

21 The appeals process shall be conducted as follows:

22 a. A former property owner shall file a written appeal with the Coos County Tax
23 Collector.
24

25 b. The County shall schedule a hearing on the appeal no sooner than 14 days after
26 receipt of the notice of appeal, and no later than two 90 days from the receipt of
27 the notice of appeal.

- 1 c. The hearing on appeal shall be before the Coos County Board of Commissioners
2 or a hearings officer appointed by the Board to hear appeals under this Resolution.
3 d. At the hearing, the County shall bear the burden of proving, by a preponderance
4 of the evidence, that its surplus calculation was correct.
5 e. The decision of the Coos County Board of Commissioners, or appointed hearings
6 officer, is the final decision of the County. This final decision is appealable to the
7 Coos County Circuit Court by filing a Writ of Review pursuant to ORS 34.010 to
8 34.100.
9

10 5. For any property generating a tax foreclosure surplus, the Tax Collector shall provide a
11 notice by both certified and first-class mail to the former owner(s) as follows:

- 12 a. The notice shall identify the property by tax lot number and contain the amount of
13 the surplus, the tax foreclosure sale price of the property, the amount of the taxes,
14 fees, and interest distributed to the taxing districts, and the amount of the
15 distribution to the County pursuant to ORS 275.275(1)(a)-(c), including any
16 expenditures specifically attributable to the property.
17
18 b. The notice shall state that the recipient has two years from the date of the letter to
19 claim the surplus. The Tax collector shall include a form to be completed by the
20 individual claiming the surplus. The form shall be reviewed and approved for
21 legal sufficiency by the Coos County Office of Legal Counsel.
22
23 c. The notice shall state that the recipient may challenge the County's calculation of
24 the surplus by filing a written appeal with the Tax Collector no later than one year
25 from the date of the notice.

26 6. In addition to the notice mailed under Section 5 above, the Tax Collector shall publish a
27 notice in a newspaper of general circulation in the County as follows:

1 a. The notice shall be published within fourteen (14) days of the date of mailing the
2 notice set forth in Section 5 above.

3 b. The notice shall identify, by tax lot number, each property for which a tax
4 foreclosure surplus exists. The notice shall specify the time period in which
5 former owners must file an appeal and claim the surplus funds and shall direct any
6 interested party to contact the Tax Collector's office as soon as possible for more
7 information.
8

9 7. If a former owner fails to claim tax foreclosure surplus within two years of the Section 5
10 notice, the surplus shall be deemed abandoned and revert to the possession of the County.

11 The County may distribute any unclaimed surplus in the following order:

12 a. In the event that the County's costs were not fully reimbursed by the initial
13 distribution authorized under Section 1.a. above, the unclaimed funds shall first be
14 used to reimburse the County's general fund for these remaining costs.

15 b. All remaining funds shall be distributed to the taxing districts pursuant to ORS
16 275.275(3).
17

18 8. This resolution shall remain in full force and effect until the Oregon legislature amends
19 the tax foreclosure process to comply with *Tyler v. Hennepin County*.
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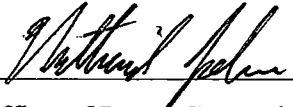
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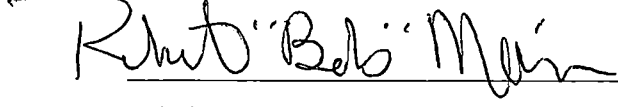
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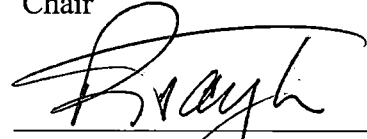
Dated this 18th day of July, 2023.

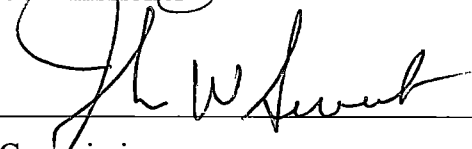
Approved as to form:

Coos County Board of Commissioners


Office of Legal Counsel


Chair


Commissioner


Commissioner

DESCHUTES



Touchpoints for Foreclosure Proceedings – Tax Office

- 1) Annual statement sent in October for November 15 due date. 2nd Trimester statements mailed 3rd week of January for February 15th due date. 3rd Trimester statements mailed 3rd week of April for May 15th due date.
- 2) Tax staff tries to contact every account owner by phone in March & April that has 4 years owing to let them know about the foreclosure process and to try to get them to pay the oldest year to keep them out of foreclosure.
- 3) Delinquent notice sent after May 15th with a large “NOTICE” box explaining that foreclosure proceedings may commence in August if they have a balance owing on the oldest year (2020 for this year).
- 4) A “Courtesy Notice of Pending Foreclosure” is sent out after July 16th to all homeowners with 4 years owing that are not in active bankruptcy or have an active Senior Deferral account with DOR. This notice gives all the dates of when fees will be assessed and that the account will be listed in the County’s foreclosure lawsuit if not paid by August 15th at 5 p.m.
- 5) On August 16th, a “Notice of Foreclosure Proceeding” is sent by regular and certified mail, notifying each account that still owes 4 years, that they have 30 days to respond or pay the oldest year and the fees to be removed from the foreclosure judgment.
- 6) If any of the mail is returned, all efforts are made to contact the owner to get a good forwarding address, phone number or email to ensure that they are being notified.
- 7) Notice of the next year’s tax statement with a personal letter regarding payoff information for the redemption of the property is sent to the homeowner in October of that first year of foreclosure.
- 8) Thirteen months prior to the end of the redemption period, a letter is sent certified and by regular mail to notify homeowners and all lien holders that are still in foreclosure that they have 13 months to redeem their account by paying all the taxes, interest, and fees that were part of the foreclosure. At this time, if owner is deceased, all efforts are made to locate a next of kin so they can receive the redemption notice.
- 9) Tax staff reviews all certified mail that gets returned to find a correct mailing address for owner or next of kin or lien holder and get it back out to the intended party.
- 10) Two to three months prior to the end of the redemption period, phone calls are again made to homeowners to give them notice that they are nearing the end of that redemption period.



Touchpoints Prior to Tax Deed – Property Management

- 1) Roughly 3-months prior to the end of the redemption period, Property Management staff completes site visits to ideally make in-person contact. Multiple attempts are made to make personal contact as needed.
 - a. More times than not, face-to-face contact is effective. Often property owners feel paralyzed with foreclosure and the interaction can help them get “unstuck”. During personal interactions, Property Management will help the property owner “brainstorm” on ideas to potentially bring their account current. During these interactions, open 2-way communication is encouraged.
- 2) Property Management will make calls to the property owners for follow ups, but in-person contact is primary.
- 3) Prior to recording the Tax Deed, Property Management will issue a 30-day Notice to Vacate.

Note: It’s important to recognize that between the Tax Office and Property Management, a lot of extra effort and contact is made to property owners that is not required by statute. This often results in paid property taxes and property owners retaining their property.

MORROW

BEFORE THE BOARD OF COMMISSIONERS FOR MORROW COUNTY, OREGON

In the Matter of Real Property)
Owned by Morrow County and) ORDER NO. OR-2018-12
Directing Sheriff to Conduct Sale.)

WHEREAS, Morrow County has acquired title to certain real property, described in Exhibit "A," attached and incorporated by this reference, pursuant to real property tax foreclosure proceedings on file in the Circuit Court of the State of Oregon for Morrow County and by other means, and

WHEREAS, foreclosure proceedings are completed, and tax deeds in the regular form have been executed by the Morrow County Tax Collector and recorded in the Deed Records of Morrow County pursuant to ORS 312.200 with respect to real properties acquired by tax foreclosure, and

WHEREAS, ORS 271.310 and 275.110 authorize the sale by the Morrow County Court of the real property acquired through real property tax foreclosure and other means, and

WHEREAS, the property described in Exhibit "A," attached is not needed for County purposes and, thus, surplus, and

WHEREAS, it is in the best interests of the County to sell the real property described in Exhibit "A", and that the minimum price of \$ 11,770 .00 shall be set, and

NOW THEREFORE, be it resolved that the Morrow County Court hereby orders as follows:

That the Sheriff of Morrow County is hereby directed to sell, in the manner provided by ORS 275.120, et. seq., the parcel(s) of real property described in Exhibit "A", which is attached hereto and by this reference incorporated herein; said sale shall be for the minimum price and upon such terms and conditions as is set forth with particularity in said Exhibit "A".

That a minimum bid of \$ 11,770 .00 will be required.

That all sales shall be deemed conditional until such time as the Morrow County Court formally accepts or rejects said sale.

That, if the Sheriff is unsuccessful in selling any of the property listed in Exhibit "A" at said sale, said property may be sold at private sale pursuant to ORS 275.200.

Dated this 22nd day of August, 2018.

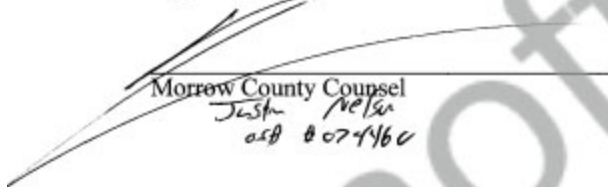
**MORROW COUNTY BOARD OF COMMISSIONERS
MORROW COUNTY, OREGON**


Don Russell, Chair


Jim Doherty, Commissioner


Melissa Lindsay, Commissioner

Approved as to Form:


Morrow County Counsel
Justin Nelson
asb 0074960

Unofficial Copy

MORROW COUNTY, OREGON **CJ2018-0128**
Commissioners' Journal 08/22/2018 3:01:18 PM



2018-0128
I, Bobbi Childers, County Clerk for Morrow County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
Bobbi Childers - County Clerk



SUMMARY OF FACTS AND CONCLUSIONS

Account: Acct 2461, MTL 5N2635C-208
Situs: 74609 Cain Lane
Owner of Record: Morrow County
Size: 1.39 acres
Current Use: Bare land (Cain Lane)
Zoning: Rural Residential
Highest & Best Use: Rural Residential
Date of Value: August 3, 2018
Date of Report: August 3, 2018
Estate Appraised: Fee Simple
Special Assessments: None
Taxes: Currently the property is owned by Morrow County and is exempt from taxation.

Cost Approach to Value Not Applicable

Sales Comparison Approach to Value \$23,540.00

Income Approach to Value Not Applicable

FINAL DETERMINATION OF VALUE AS OF 8/3/18: \$23,540.00

EXHIBIT "A"

GENERAL DATA

Identification of Property

The subject property is identified as a .1.39 acre parcel of bare land with access from Cain Ln off of West Eighth Rd, West of the City of Irrigon.

Attached is the vicinity and location map of the property.

Zoning

The zoning for the parcel is Rural Residential. The zone is identified in the Morrow County Zoning Ordinance 3.040 and includes the following outright uses; Single-family dwelling, including a mobile home subject to requirements set forth in section 3.040 of the Morrow County Zoning Ordinances, farming, subject to requirements set forth in section 3.040 of the Morrow County Zoning Ordinances, public service utility facility, public park, recreation center, community or neighborhood center, other public uses or buildings necessary to serve the rural residential needs for the area. Permitted conditional uses are as such: Golf course, home occupation conducted in structure accessory to the dwelling, provided all other limitations of occupations are observed, water supply and sewer treatment facility, solid waste disposal site, two family dwelling (duplex).

Rural Residential has a 2 acre minimum lot size. Since this lot is only 1.39 acres and was created prior to the 2 acre minimum requirement, it is referred to as a preexisting non-conforming parcel and will receive all of the benefits as if it did conform to the zone.

Highest and Best Use Analysis

The highest and best use of the land is determined to be Rural Residential.

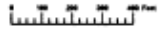
Site Valuation

The subject property was reappraised for 1/1/2016 as part of the normal reappraisal cycle. The appraisal area land study identified this parcel as having a market value of \$23,540.00. The value is based on a land study and site development study completed by the Morrow County Assessor's office for 1/1/15 and includes any market trending since. After reviewing recent sales of rural tract properties in the area I believe the Real Market Value to be consistent with the current assessment.

Conclusion of Value

\$23,540.00

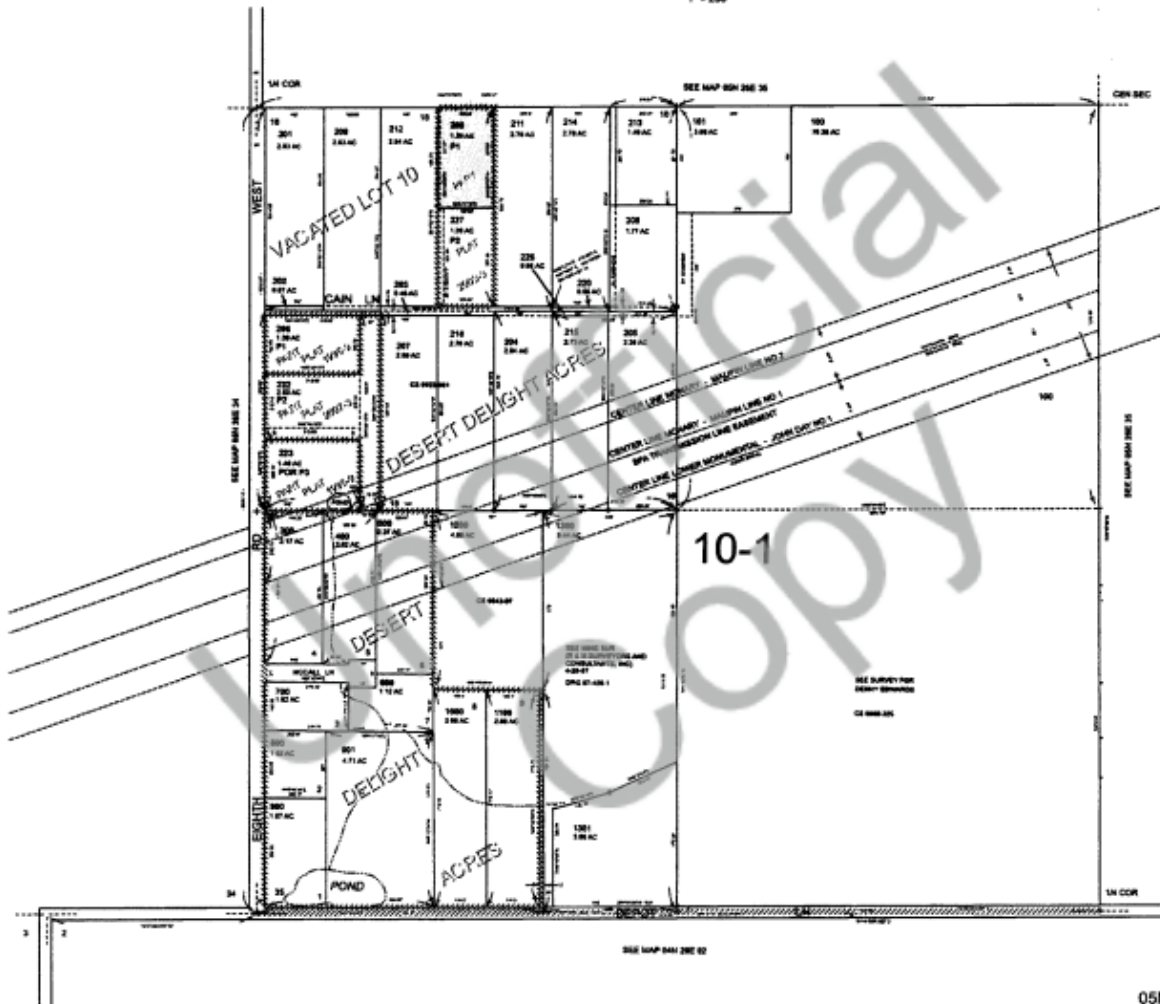
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



S.W.1/4 SEC.35 T.5N. R.26E. W.M.
MORROW COUNTY
1" = 200'

05N26E35C

Created:
216 1440 218
274
276
228
228



SEE MAP 041 282 02

Revised: 0C
3/28/2013

05N26E35C

BEFORE THE BOARD OF COMMISSIONERS FOR MORROW COUNTY, OREGON

In the Matter of Real Property)
Owned by Morrow County and)
Directing Sheriff to Conduct Sale.) ORDER NO. OR-2018-13

WHEREAS, Morrow County has acquired title to certain real property, described in Exhibit "A," attached and incorporated by this reference, pursuant to real property tax foreclosure proceedings on file in the Circuit Court of the State of Oregon for Morrow County and by other means, and

WHEREAS, foreclosure proceedings are completed, and tax deeds in the regular form have been executed by the Morrow County Tax Collector and recorded in the Deed Records of Morrow County pursuant to ORS 312.200 with respect to real properties acquired by tax foreclosure, and

WHEREAS, ORS 271.310 and 275.110 authorize the sale by the Morrow County Court of the real property acquired through real property tax foreclosure and other means, and

WHEREAS, the property described in Exhibit "A," attached is not needed for County purposes and, thus, surplus, and

WHEREAS, it is in the best interests of the County to sell the real property described in Exhibit "A", and that the minimum price of \$ 11,770 .00 shall be set, and

NOW THEREFORE, be it resolved that the Morrow County Court hereby orders as follows:

That the Sheriff of Morrow County is hereby directed to sell, in the manner provided by ORS 275.120, et. seq., the parcel(s) of real property described in Exhibit "A", which is attached hereto and by this reference incorporated herein; said sale shall be for the minimum price and upon such terms and conditions as is set forth with particularity in said Exhibit "A".

That a minimum bid of \$ 11,770 .00 will be required.

That all sales shall be deemed conditional until such time as the Morrow County Court formally accepts or rejects said sale.

That, if the Sheriff is unsuccessful in selling any of the property listed in Exhibit "A" at said sale, said property may be sold at private sale pursuant to ORS 275.200.

Dated this 22nd day of August, 2018.

**MORROW COUNTY BOARD OF COMMISSIONERS
MORROW COUNTY, OREGON**



Don Russell, Chair

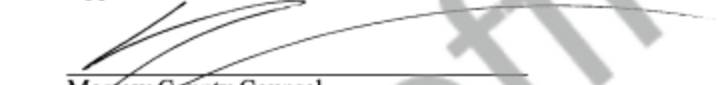


Jim Doherty, Commissioner



Melissa Lindsay, Commissioner

Approved as to Form:



Morrow County Counsel
Justin Nelson
OSA 207446

Unofficial Copy

MORROW COUNTY, OREGON **CJ2018-0129**
Commissioners' Journal 08/22/2018 3:01:18 PM



I, Bobbi Childers, County Clerk for Morrow County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
Bobbi Childers - County Clerk



SUMMARY OF FACTS AND CONCLUSIONS

Account: Acct 10185, MTL 5N2635C-227
Situs: Cain Lane
Owner of Record: Morrow County
Size: 1.39 acres
Current Use: Bare land (Cain Lane)
Zoning: Rural Residential
Highest & Best Use: Rural Residential
Date of Value: August 3, 2018
Date of Report: August 3, 2018
Estate Appraised: Fee Simple
Special Assessments: None
Taxes: Currently the property is owned by Morrow County and is exempt from taxation.

Cost Approach to Value Not Applicable

Sales Comparison Approach to Value \$23,540.00

Income Approach to Value Not Applicable

FINAL DETERMINATION OF VALUE AS OF 8/3/18: \$23,540.00

GENERAL DATA

Identification of Property

The subject property is identified as a .1.39 acre parcel of bare land with access from Cain Ln off of West Eighth Rd, West of the City of Irrigon.

Attached is the vicinity and location map of the property.

Zoning

The zoning for the parcel is Rural Residential. The zone is identified in the Morrow County Zoning Ordinance 3.040 and includes the following outright uses; Single-family dwelling, including a mobile home subject to requirements set forth in section 3.040 of the Morrow County Zoning Ordinances, farming, subject to requirements set forth in section 3.040 of the Morrow County Zoning Ordinances, public service utility facility, public park, recreation center, community or neighborhood center, other public uses or buildings necessary to serve the rural residential needs for the area. Permitted conditional uses are as such: Golf course, home occupation conducted in structure accessory to the dwelling, provided all other limitations of occupations are observed, water supply and sewer treatment facility, solid waste disposal site, two family dwelling (duplex).

Rural Residential has a 2 acre minimum lot size. Since this lot is only 1.39 acres and was created prior to the 2 acre minimum requirement, it is referred to as a preexisting non-conforming parcel and will receive all of the benefits as if it did conform to the zone.

Highest and Best Use Analysis

The highest and best use of the land is determined to be Rural Residential.

Site Valuation

The subject property was reappraised for 1/1/2016 as part of the normal reappraisal cycle. The appraisal area land study identified this parcel as having a market value of \$23,540.00. The value is based on a land study and site development study completed by the Morrow County Assessor's office for 1/1/15 and includes any market trending since. After reviewing recent sales of rural tract properties in the area I believe the Real Market Value to be consistent with the current assessment.

Conclusion of Value

\$23,540.00

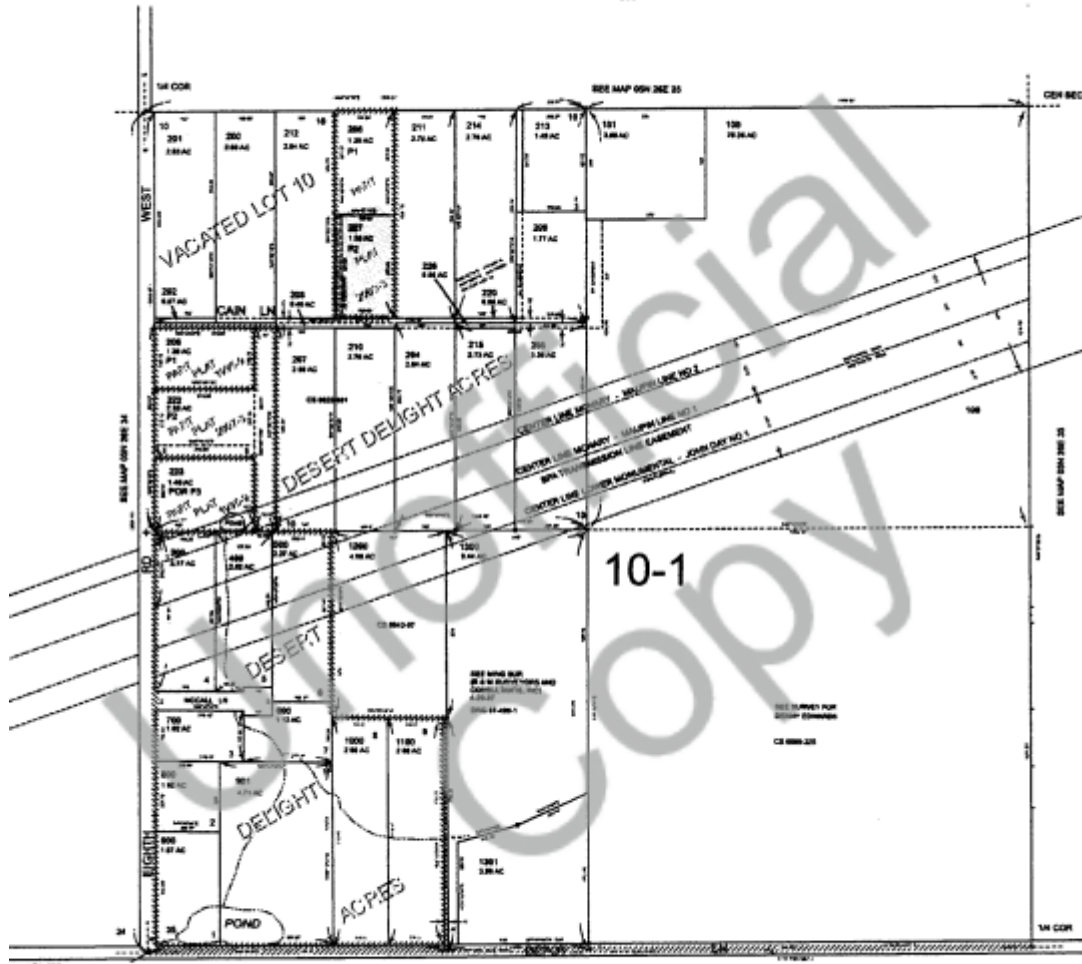
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY



S.W.1/4 SEC.35 T.5N. R.26E. W.M.
MORROW COUNTY
1" = 200'

05N26E35C

Controlled
204 205 206 207 208



SEE MAP 65N 26E 02

Revised: BC
3/28/2013

05N26E35C

**BEFORE THE BOARD OF COMMISSIONERS
FOR MORROW COUNTY, OREGON**

IN THE MATTER OF)
DISTRIBUTING PROCEEDS)
HELD BY THE COUNTY) ORDER NO.: OR-2018-14
TREASURER FROM SALES)
OF TAX FORECLOSED LANDS)

WHEREAS, ORS 275.275(3) requires the county governing body to direct the County Treasurer by order to distribute funds held representing proceeds of sales of tax foreclosed property;

THEREFORE THE MORROW BOARD OF COMMISSIONERS ORDER:

- (1) The County Treasurer shall distribute all monies held representing proceeds for sales of tax foreclosed property provided either a deed for the property has been issued or the Court has declared such funds forfeited to the County.
- (2) Such distribution shall be to the current taxing districts in accordance with the formula provided in ORS 311.390.

DATED this 12th day of September, 2018.

MORROW COUNTY, OREGON **CJ2018-0141**
Commissioners' Journal **09/13/2018 11:29:38 AM**



2018-0141

I, Bobbi Childers, County Clerk for Morrow County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

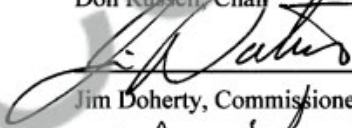
Bobbi Childers - County Clerk



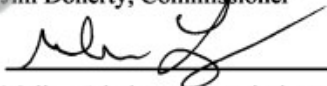
**BOARD OF COMMISSIONERS OF
MORROW COUNTY, OREGON**



Don Russell, Chair



Jim Doherty, Commissioner



Melissa Lindsay, Commissioner



AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
 (Page 1 of 2)

(For BOC Use)
 Item #

Please complete for each agenda item submitted for consideration by the Board of Commissioners
(See notations at bottom of form)

Staff Contact: Justin Nelson
 Department: County Counsel
 Short Title of Agenda Item: Distributing Foreclosure Sale Proceeds Order
 (No acronyms please)

Phone Number (Ext): 5627
 Requested Agenda Date: 9/12/2018

This Item Involves: (Check all that apply for this meeting.)

<input checked="" type="checkbox"/> Order or Resolution	<input type="checkbox"/> Appointments
<input type="checkbox"/> Ordinance/Public Hearing:	<input type="checkbox"/> Update on Project/Committee
<input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading	<input type="checkbox"/> Consent Agenda Eligible
<input type="checkbox"/> Public Comment Anticipated:	<input type="checkbox"/> Discussion & Action
Estimated Time:	Estimated Time:
<input type="checkbox"/> Document Recording Required	<input type="checkbox"/> Purchase Pre-Authorization
<input type="checkbox"/> Contract/Agreement	<input type="checkbox"/> Other

N/A Purchase Pre-Authorizations, Contracts & Agreements

Contractor/Entity:
 Contractor/Entity Address:
 Effective Dates – From: _____ Through: _____
 Total Contract Amount: _____ Budget Line: _____
 Does the contract amount exceed \$5,000? Yes No

Reviewed By:

_____ DATE _____	Department Head	Required for all BOC meetings
<i>David A. Miller</i> DATE _____	Admin. Officer/BOC Office	Required for all BOC meetings
JWN-9-7-2018 _____ DATE _____	County Counsel	*Required for all legal documents
<i>[Signature]</i> DATE 9/10/18	Finance Office	*Required for all contracts; other items as appropriate.
_____ DATE _____	Human Resources	*If appropriate

* Allow 1 week for review (submit to all simultaneously). When each office has notified the submitting department of approval, then submit the request to the BOC for placement on the agenda.

Note: All other entities must sign contracts/agreements before they are presented to the Board of Commissioners (originals preferred). Agendas are published each Friday afternoon, so requests must be received in the BOC Office by 1:00 p.m. on the Friday prior to the Board's Wednesday meeting. Once this form is completed, including County Counsel, Finance and HR review/sign-off (if appropriate), then submit it to the Board of Commissioners Office.

AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
(Page 2 of 2)

1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

The Morrow County real estate owned manufactured home in Irrigon has completed the process for the sale.

ORS 275.275 specifies how proceeds from the sale of county foreclosed properties are to be distributed. ORS 275.275(6) requires that the distribution must occur after the signing of an order by the County Court. The County Treasurer does not have the authority to distribute the funds until the County Order is signed.

To conform to the statutory requirements of ORS 275.275, I have prepared the attached Order Distributing Proceeds.

2. FISCAL IMPACT:

3. SUGGESTED ACTION(S)/MOTION(S):

Motion to approve Order Number OR-2018-14.

Attach additional background documentation as needed.

BEFORE THE BOARD OF COMMISSIONERS
FOR MORROW COUNTY, OREGON

IN THE MATTER OF)
DISTRIBUTING PROCEEDS)
HELD BY THE COUNTY) ORDER NO. OR-2018-23
TREASURER FROM SALES)
OF TAX FORECLOSED LANDS)

WHEREAS, ORS 275.275(3) requires the county governing body to direct the County Treasurer by order to distribute funds held representing proceeds of sales of tax foreclosed property;

THEREFORE THE MORROW COUNTY BOARD OF COMMISSIONERS ORDER:

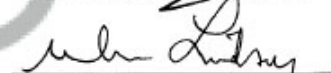
- (1) The County Treasurer shall distribute all monies held representing proceeds for sales of tax foreclosed property provided either a deed for the property has been issued or the Court has declared such funds forfeited to the County.
- (2) Such distribution shall be to the current taxing districts in accordance with the formula provided in ORS 311.390.

DATED this 12th day of December 2018.

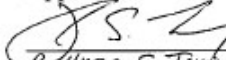
BOARD OF COMMISSIONERS OF
MORROW COUNTY, OREGON


Don Russell, Chair


Jim Doherty, Commissioner


Melissa Lindsay, Commissioner

Approved as to Form:


RICHARD S. TOVEY OSB 044373
Morrow County Counsel

MORROW COUNTY, OREGON CJ2018-0191
Commissioners' Journal 12/13/2018 7:54:57 AM



I, Bobbi Childers, County Clerk for Morrow County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
Bobbi Childers - County Clerk





AGENDA ITEM COVER SHEET
 Morrow County Board of Commissioners
 (Page 1 of 2)

(For BOC Use)
 Item #

4b

**Please complete for each agenda item submitted for consideration by the Board of Commissioners
 (See notations at bottom of form)**

Staff Contact: Richard Tovey
 Department: County Counsel
 Short Title of Agenda Item: Order Distributing Foreclosure Sale Proceeds
 (No acronyms please)

Phone Number (Ext): 5410
 Requested Agenda Date: 12-12-2018

This Item Involves: (Check all that apply for this meeting.)

<input checked="" type="checkbox"/> Order or Resolution	<input type="checkbox"/> Appointments
<input type="checkbox"/> Ordinance/Public Hearing:	<input type="checkbox"/> Update on Project/Committee
<input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading	<input type="checkbox"/> Consent Agenda Eligible
<input type="checkbox"/> Public Comment Anticipated:	<input type="checkbox"/> Discussion & Action
Estimated Time:	Estimated Time:
<input type="checkbox"/> Document Recording Required	<input type="checkbox"/> Purchase Pre-Authorization
<input type="checkbox"/> Contract/Agreement	<input type="checkbox"/> Other

N/A Purchase Pre-Authorizations, Contracts & Agreements

Contractor/Entity:
 Contractor/Entity Address:
 Effective Dates – From: _____ Through: _____
 Total Contract Amount: _____ Budget Line:
 Does the contract amount exceed \$5,000? Yes No

Reviewed By:

_____	DATE	Department Head	Required for all BOC meetings
_____	DATE	Admin. Officer/BOC Office	Required for all BOC meetings
Richard Tovey	12-10-2018	County Counsel	*Required for all legal documents
_____	DATE	Finance Office	*Required for all contracts; other items as appropriate.
_____	DATE	Human Resources	*If appropriate

* Allow 1 week for review (submit to all simultaneously). When each office has notified the submitting department of approval, then submit the request to the BOC for placement on the agenda.

Note: All other entities must sign contracts/agreements before they are presented to the Board of Commissioners (originals preferred). Agendas are published each Friday afternoon, so requests must be received in the BOC Office by 1:00 p.m. on the Friday prior to the Board's Wednesday meeting. Once this form is completed, including County Counsel, Finance and HR review/sign-off (if appropriate), then submit it to the Board of Commissioners Office.

AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners
(Page 2 of 2)

1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

The Morrow County Assessor's Office completed the sale of three properties by Sheriff's sale.

ORS 275.275 specifies how proceeds from the sale of county foreclosed properties are to be distributed. ORS 275.275(6) requires that the distribution must occur after the signing of an order by the county governing body. The County Treasurer does not have the authority to distribute the funds until the County Order is signed.

To conform to the statutory requirements of ORS 275.275, I have prepared the attached Order Distributing Proceeds.

2. FISCAL IMPACT:

3. SUGGESTED ACTION(S)/MOTION(S):

Motion to approve Order Number OR-2018-23.

Attach additional background documentation as needed.

YAMHILL



ADMINISTRATIVE POLICIES

SECTION:	Yamhill County Facilities Policies	POLICY NO.:	208
TITLE:	Tax Foreclosed Property Management and Disposition Policy		
BOARD ORDERS:	B.O. 23-49; B.O. 23-398	LAST REVISED:	10/26/2023

I. PURPOSE

- 1.01 Purpose. The purpose of this policy is to establish procedures for managing and conveying parcels of tax foreclosed property to the general public, or to Local Municipalities, Governmental Bodies, or Qualifying Nonprofits as applicable, in a fair and equitable manner for the benefit of the taxing districts, the County, and the public good.

II. DEFINITIONS

As used in this policy, the following definitions apply:

“**Board**” is the Yamhill County Board of Commissioners.

“**County**” means Yamhill County.

“**County Counsel**” means the Yamhill County Counsel, or his/her duly appointed representative.

“**Governmental Body**” means the State of Oregon, a political subdivision thereof, the United States of America, or an agency thereof.

“**Foreclosed Property**” means real property located in Yamhill County that is subject to a foreclosure judgment under ORS 312, but that has not yet been deeded to the County.

“**Improved Real Property**” is Real Property on which permanent improvements, or improvements under construction or in process of construction, suitable for residence, institutional, commercial, or industrial use, are situated.

“**Local Municipality**” means a unit of local government located within Yamhill County.

“Permissible Purpose” means any of the following purposes:

1. To provide low-income housing, social services, or childcare services; or
2. For the creation of open space, parks, or natural areas for perpetual public use.

“Personal Property” means tangible goods or items left upon Real Property, including, but not limited to, furniture, personal effects, movable tools and equipment, and manufactured dwellings that are considered separate from the Real Property under the County’s tax assessment roll. Personal Property does not include “motor vehicle” as set forth in ORS 801.590.

“Property Management” means the department and/or individual designated by the County Administrator as the manager of tax-foreclosed real property.

“Public Purpose” means a purpose of promoting the collective health, safety, and general welfare of the citizens of Yamhill County.

“Qualifying Nonprofit” means a corporation that is a public benefit corporation as defined in ORS 65.001 and that has obtained a ruling from the federal Internal Revenue Service providing that the corporation is exempt from federal income taxes under section 501(c)(3) of the Internal Revenue Code.

“Record Owner” means the person, corporation, or entity who held legal title to Real Property on the date it was conveyed to the County as a result of tax foreclosure proceedings.

“Real Property” means the land, and all buildings, structures, improvements, machinery, equipment or fixtures erected on, above, or under the land, to which the County has obtained title through tax foreclosure.

“Sheriff” means the Yamhill County Sheriff, or his/her duly appointed representative.

“Social services” and **“childcare services”** means, but is not limited to, education, training counseling, health and mental health services, and the provision of facilities and administrative services to support social services and childcare services.

III. MANAGING TAX-FORECLOSED PROPERTIES

3.01 Redemption Period; Deeding Foreclosed Property to the County.

- A. Pursuant to ORS 312.120, all Foreclosed Property shall be held by the County for a period of two years after the date of the judgment of foreclosure.
- B. Upon expiration of the two-year redemption period, the County Counsel shall prepare and record a deed transferring ownership to the County for any Foreclosed Property not otherwise redeemed. Deeds should be recorded no later than December 31st of that year.
- C. The County’s deed shall include a legal description of the Foreclosed Property. The legal description may be taken from prior deeds, title reports, or as prepared by a licensed surveyor if otherwise unavailable.
- D. Any person having a lawful interest in a Foreclosed Property shall be given the opportunity to redeem the Foreclosed Property up until the date it is officially deeded to the County.

3.02 Real Property Initial Evaluation; Insurance; Ongoing Inspections.

- A. At the time the Real Property is deeded to the County, or as soon thereafter as time and resources allow, Property Management shall evaluate the Real Property for signs of occupancy, debris, security issues, hazardous conditions, or other abatement needs and inform the County Counsel of its findings. A County Inspection Form (Addendum A) may be utilized at the discretion of Property Management.
- B. The County Counsel shall inform the Yamhill County Administrator if it's determined that Real Property requires an environmental assessment due to probable contamination. Board approval is required prior to engaging in a Phase I or Phase II Environmental Site Assessment.
- C. County Counsel shall recommend to the Yamhill County Administrator which Real Property is to be added to the County's various insurance policies based on the following:
 - 1. Improved Real Property should be added to the County's General Liability insurance policy.
 - 2. Real Property with a high real market value, or which is likely to contain pollutants, asbestos, and/or other hazardous waste, should be added to the County's Property insurance policy.
 - 3. Improved Real Property which has not been added to the County's Property insurance policy, but which may still pose a financial risk to the County due to dilapidation or disrepair, should be added as a Debris Removal Only Endorsement to the County's Property insurance policy.
- D. Property Management shall request a general, nonbinding evaluation from the Yamhill County Tax Assessor as to the accuracy of the market value of the Real Property and note any potential discrepancies on the County Inspection Form.
- E. Property Management shall note on the County Inspection Form whether the Real Property is a "buildable lot" under state and local code. Where buildable status is uncertain, Property Management may request the assistance of the Yamhill County Planning and Development Department in providing a nonbinding assessment of the Real Property's buildable status.
- F. Property Management shall inspect the Real Property on an ongoing, regular basis. If any changes in occupancy, debris, security issues, hazardous conditions of the Real Property are observed, Property Management shall immediately notify and report those findings to the County Counsel.

3.03 Risk Mitigation Procedures for Structures. Property Management may take the following steps to mitigate any risk of unlawful use of Real Property structures (non-exclusive):

- A. Cancel all utilities (unless needed for safety and/or security purposes);
- B. Change all locks;
- C. Disconnect garage door openers;

- D. Post no trespassing signs at each entrance to the structure;
- E. Board up doors and windows, if needed;
- F. Install lighting timers to ensure the exterior is well lit; and
- G. Move items inside whenever possible.

3.04 Vegetation Management. Property Management shall attempt, to the best of its abilities, to manage vegetation growing on Real Property in such a way as to prevent:

- A. Excessive growth of foliage that diminishes the value of any adjacent property;
- B. Trespassers or squatters to remain on the Real Property;
- C. Mosquito larvae or pupae to grow in standing water on the Real Property; or
- D. Other conditions on the Real Property that cause or contribute to causing a public nuisance or other violation of law.

3.05 Removing Abandoned Non-vehicular Property.

- A. If a former owner or occupant of Real Property leaves behind Personal Property, the County shall abide by the procedures provided in this section to ensure that the owner of the Personal Property, or any lienholder thereto, has been given adequate opportunity to reassert ownership and to retrieve the item(s).
- B. Prior to storing, selling, or disposing of Personal Property left upon Real Property, Property Management shall provide written notice to the former owner stating that the County is in possession of their Personal Property. The notice shall include the following information:
 - i. Personal Property has been left upon the premises and is considered abandoned;
 - ii. The former owner or any lienholder must contact the County by a specified date to arrange for the removal of the Personal Property. The specified date by which a former owner or lienholder must contact the County is:
 - 1) For manufactured dwellings, not less than 45 days after personal delivery or mailing of the notice; or
 - 2) For all other Personal Property, not less than five (5) days after personal delivery or eight (8) days after mailing of the notice;
 - iii. The Personal Property is being safely stored at the Real Property or, if applicable, being stored at a secured storage facility;
 - iv. The former owner or any lienholder may arrange for removal of the Personal Property by contacting the County at a provided telephone number or address on or before the specified date;

- v. The County shall make the Personal Property available for removal by appointment only and only at reasonable times; and
 - vi. If the former owner or any lienholder fails to contact the County by the specified date, or after that contact, fails to remove the Personal Property within 15 days (or within 30 days for manufactured dwellings), the County may sell or dispose of the Personal Property at its discretion. If the County reasonably believes the Personal Property should be disposed of, or if the County intends to dispose of the Personal Property if it is not claimed, the notice shall state that belief and intent.
- C. For lienholders, notice shall be delivered via first class mail and certified mail, with a return receipt requested. For all else, notice shall be:
- i. Personally delivered to the former owner; or
 - ii. Sent by first class mail addressed and mailed to the former owner at either:
 - 1) Any post-office box known to be held by the former owner; or
 - 2) The most recent forwarding address, if known by the County.
- D. After notifying the former owner, and/or any lienholder as applicable, Property Management shall safely store the Personal Property either at the Real Property or in a secured storage facility. Property Management should promptly dispose of rotting food and allow an animal control agency to remove any abandoned pets or livestock, if necessary.
- E. If the former owner or any lienholder responds to the written notice on or before the specified date and requests retrieval of any personal property, Property Management shall make that personal property available for removal by appointment during the 15 days (or in the case of manufactured dwellings, 30 days following the date of the response).
- F. If the former owner or lienholder does not respond or remove the Personal Property within the time required, Personal Property is conclusively presumed to be abandoned, and Property Management may dispose of it by:
- i. Selling the Personal Property at a public sale or auction pursuant to state law;
 - ii. Donating the Personal Property without consideration to a nonprofit organization;
 - iii. Destroying or otherwise discarding of the Personal Property if the current fair market value of the personal property is estimated to be less than \$1,000 (or \$8,000 for manufactured dwellings);
 - iv. Disposing of the Personal Property pursuant to the provisions of the Oregon Uniform Disposition of Unclaimed Property Act, ORS 98.302 to 98.436; or
 - v. Some combination thereof.

3.06 Removing Motorized Vehicles Left Upon Real Property.

- A. If a former owner or occupant of Real Property leaves behind a motor vehicle, Property Management shall abide by the procedures provided in this Section to ensure that the owner of the motor vehicle, or any lienholder thereto, has been given adequate opportunity to reassert ownership and to retrieve the vehicle(s).
- B. Prior to towing a motor vehicle left upon Real Property, Property Management shall:
 - i. Affix notice to the vehicle stating that the vehicle will be towed if it is not removed pursuant to ORS 98.830; and
 - ii. Run a title search on the motor vehicle(s) and provide written notice to all registered owners and lienholders (if any) stating that the County is in possession of the motor vehicle(s) and intends to tow it if it is not immediately removed.
- C. The notice required of subsection (B) shall be signed by an authorized County employee and shall include the following information:
 - i. The motor vehicle is unlawfully parked in violation of ORS 98.810;
 - ii. That the motor vehicle will be towed pursuant to ORS 98.830 if it is not removed by a given deadline. Such a deadline shall be no less than five (5) business days from the date of the notice;
 - iii. A description of the motor vehicle to be towed;
 - iv. The location of the Real Property from which the motor vehicle will be towed;
 - v. Contact information for the County;
 - vi. A statement confirming that, if the motor vehicle is towed, the tower will have the right to retain possession of the vehicle and its contents until the just and reasonable charges for the towage, care, and storage have been paid; and
 - vii. A statement that the County has complied with the requirements of ORS 98.830.
- A. Notice shall be delivered via first class mail and certified mail, with a return receipt requested.
- B. If the registered owner or any lienholder fails to remove the motor vehicle prior to the stated deadline, Property Management may have the vehicle towed pursuant to the provisions of ORS 98.830.
- C. A County employee that tows a motor vehicle under this section must keep written documentation of the following information:
 - i. The location from which the motor vehicle was towed;
 - ii. The circumstances of the tow;
 - iii. A description of the motor vehicle and a copy of the title search;
 - iv. A copy of all notices;

- v. The name and contact information of the tower used to tow the motor vehicle; and
- vi. The location where the motor vehicle is being lawfully stored.

3.07 Ejectment of Occupants; Valid Lease Holders.

- A. Real and actual notice to vacate shall be delivered by Property Management upon the occupants of the Real Property via both first class mail and in-person service and/or posting.
- B. In the event that an occupant refuses to vacate Real Property after receiving notice to vacate in accordance with subsection (A), the County Counsel may proceed with requesting a Writ of Assistance from a judicial court in accordance with ORS 107.437.
- C. If the occupants of any tax-foreclosed Real Property are able to demonstrate that they are subject to a valid, enforceable lease agreement, the County may, at the discretion of the Board:
 - i. Uphold and maintain the landlord-tenant relationship when doing so is deemed to be in the best interests of the County; or
 - ii. Proceed with evicting the tenant in compliance with ORS 90 if the occupancy is residential, or ORS 91 if the occupancy is commercial.

3.08 Cleanup of Toxic Contamination from Illegal Drug Manufacturing.

- A. In the event that Property Management suspects that Real Property may have been involved in the manufacture or distribution of illegal drugs, it shall work with the County Counsel to determine if the Real Property is “fit for use” pursuant to ORS 105.555, 431.175, and 453.855 to 453.912 and the rules of the Oregon Health Authority (OHA), or as authorized by ORS 453.870.
- B. If Real Property is determined to not be “fit for us”, the County may only sell the property if it includes a full, written disclosure, which shall be attached to the earnest money receipt (or any other receipt as provided) and the sale document, though it is not to be recorded.
- C. The County may, at the Board’s discretion, provide notice to neighboring properties of the contamination in accordance with ORS 453.876.
- D. At the Board’s discretion, and in coordination with local health and law enforcement entities, the County may engage the services of a contractor licensed by the Oregon Health Authority to decontaminate the Real Property pursuant to the provisions of 453.855 to 453.912 and other applicable law as required.

IV. DISPOSITION OF TAX-FORECLOSED PROPERTIES

4.01 General Policy; Order of Priority for the Use, Transfer, or Sale of Excess Real Property; Deeds and Purchase Sale Agreements.

- A. The County’s primary goal for Real Property is to have it reinstated to the Tax Roll or into public use.

- B. The County shall convey Real Property by quitclaim deed and shall make no representation about the value, zoning, suitability for any purpose, building feasibility, environmental condition, wetland designation, forest zones, easements, city ordinances and regulations or any other matter. All Real Property shall be conveyed “AS IS”.
- C. The Board has established the following preferred order of priority for the use, transfer, or sale of Real Property:
 - i. Sale to the former owner if requested and qualified;
 - ii. Sale at public auction;
 - iii. Retention by the County for ongoing County use;
 - iv. Transfer to a Governmental Body, Local Municipality, or Qualifying Nonprofit for the purposes provided in Section 3.04;
 - v. Transfer to any nonprofit, Local Municipality, or private corporation for the purpose of providing broadband service; and
 - vi. Sale by private sale.
- D. The County Counsel shall prepare all deeds, purchase sale agreements, and other transactional documents required for transferring ownership (or other rights) of Real Property. All such transactional documents must be approved by the Board.

4.02 Sale to Former Owner. If the former owner indicates an interest to reacquire Real Property, the County Counsel shall follow procedures in accordance with ORS Chapter 275.180 and as otherwise set forth in these procedures.

4.03 Retention by the County for County Use.

- A. The County Counsel shall provide a listing of available Real Property annually to both the Board and any interested County departments for review and recommendation as to whether the Real Property is needed for County use.
- B. Any Real Property not needed for County use is deemed to be excess Real Property and is subject to sale or transfer as provided in this policy.

4.04 Transfer to a Local Government, Local Municipality, or Qualifying Nonprofit.

- A. *Transfer to Governmental Body for a Public Purpose.* In accordance with ORS 271.330(1), the County may relinquish title to Real Property not needed for public use to any Governmental Body, provided the Real Property is used for not less than twenty (20) years for a Public Purpose.
 - i. Before transferring Real Property under this section (A), the County Counsel shall advertise in a newspaper of general circulation in Yamhill County once per week for two successive weeks the Board’s intention to transfer the Real Property. The notice must state when the Board will hear objections to the transfer and must specifically describe the Real Property intended to be transferred. After the hearing set in the notice

is held and objections are heard, the Board may, at the Board's sole discretion, proceed with the transfer of the Real Property.

- B. *Transfer to Local Municipality or Qualifying Nonprofit for a Permissible Purpose.* In accordance with ORS 271.330(2)-(3), the County may relinquish title to Real Property not needed for public use to a Local Municipality or Qualifying Nonprofit for a Permissible Purpose.
- C. Except in the case of a title transfer for low-income housing, Real Property transferred under this section shall be deeded subject to a reversionary interest retained by the County in the event that the Real Property is used for a purpose that is inconsistent with purpose of the transfer originally granted by the County. At their sole discretion, the Board may waive the County's right to a reversionary interest at the time the Real Property is conveyed.

4.05 Transfer for the Purpose of Providing Broadband Services.

- A. In accordance with ORS 271.330(4), the County may relinquish title to Real Property to any nonprofit, Local Municipality, or private corporation for the purpose of providing broadband service.
- B. Real Property transferred under this section shall be deeded subject to a reversionary interest retained by the County in the event that the Real Property is no longer being used for the purpose of providing broadband services. At their sole discretion, the Board may waive the County's right to a reversionary interest at the time the Real Property is conveyed.

4.06 Sale by Private Sale.

- A. The following Real Property may be sold via private sale:
 - i. Pursuant to ORS 275.200, Real Property that failed to sell at public auction (see Section 3.07(G) for additional requirements);
 - ii. Industrial property in accordance with ORS 275.318;
 - iii. Pursuant to ORS 275.225, Real Property that:
 - 1) Has a real market value of less than \$15,000 on the Tax Roll; and
 - 2) Is unsuited for the construction or placement of a dwelling unit under applicable zoning ordinances and building codes; and
 - iv. Real Property that is otherwise authorized to be privately sold by law.
- B. *Notification of Private Sale.*
 - i. Whenever possible, a description of the Real Property available for private sale shall be made available to the public at the County Counsel's Office and on the Yamhill County website. At minimum, the description shall contain the following information:
 - 1) The Real Property's Tax Lot Number;

- 2) The Real Property Tax Account Number;
 - 3) A legal description of the Real Property;
 - 4) The real market value of the Real Property; and
 - 5) The minimum price for which the Real Property may be sold, if any.
- ii. Upon order of the Board, the County Counsel shall publish a notice of a private sale of Real Property in a newspaper of general circulation in Yamhill County. At its discretion, the County Counsel may mail notice of a private sale of Real Property to any known interested parties, including surrounding property owners, if any.

C. *Additional Private Sale Requirements.*

i. **Offer Forms.**

- 1) Except as otherwise provided herein, all offers to purchase via a private sale shall be submitted on an “Offer Form” as provided by the County Counsel.
- 2) All submitted Offer Forms shall be accompanied by a money order or by cashiers’ check, made out to Yamhill County, for at least 10% of the bid amount (the “deposit”).
- 3) The Offer Form shall contain the following statement: “The Real Property is being sold “AS IS” and the County makes no representation about the value, zoning, suitability for any purpose, building feasibility, environmental condition, wetland designation, forest zones, easements, city ordinances and regulations, nor any other matter in relation to the Real Property.”

ii. **Receipt of an Offer.** All offers shall be submitted in a sealed envelope, with the Real Property’s tax lot number labeled on the outside of the envelope. The County Counsel shall date and timestamp a sealed offer envelope upon receipt.

iii. **Opening of Offers.** Sealed bids shall be opened publicly at the next available Board meeting. If a subsequent bid(s) is received for a property that already has a sealed bid pending, the subsequent bid(s) shall also be opened at the same Board meeting as the initial bid, unless unforeseen circumstances prevent it.

iv. **Acceptance of an Offer.** The Board will consider all satisfactory bid offers during its regularly-scheduled Board meetings. The Board will either: 1) reject all bids received for a certain property; 2) accept the “highest and best” bid offered and order staff to proceed with a sale; or 3) delay formal acceptance of a bid and order staff to engage in additional outreach to potential buyers. Once an offer is accepted by the Board, the deposit shall be non-refundable, and payment in full shall be due within ten (10) business days.

v. **Notification of Winning Offer.** Once an offer has been accepted by the Board, the County Counsel shall immediately notify the winning offeror and return to any non-winning offeror their respective deposit.

- vi. **Failure to Consummate Offer.** If the winning offeror fails to consummate the sale within ten (10) business days, the deposit shall be retained by the County, and the Real Property will then be offered to the next-highest offeror, if any. If the next-highest offeror does not exercise the purchase option, or if no additional offers are received, the Real Property shall be placed on the County’s “Available Property List” and/or offered at future auctions upon recommendation of the Board.

4.07 Sale at Public Auction.

- A. In accordance with ORS 275.110, the Board shall enter an order directing the Sheriff to sell at public auction any excess Real Property not otherwise transferred or sold as permitted in this policy. The order shall:
 - i. List all properties to be sold;
 - ii. Establish the terms and conditions of the sale; and
 - iii. Fix the minimum price for which each parcel may be sold.
- B. Properties are normally sold with the minimum bid set at 75% of the current real market value (RMV) as estimated by the County Assessor, unless otherwise authorized by the Board. However, the minimum bid amount should be sufficient to recover the unpaid property taxes on the Real Property and any costs and expenses incurred by the County in the maintenance and supervision of the Real Property.
- C. Upon approval of the order, the County Counsel shall publish notice of the sale of the Real Property pursuant to ORS 275.120. In addition, a description of the Real Property to be auctioned shall be made available to the public at the County Counsel’s Office and on the Yamhill County website.
- D. With the assistance of the County Counsel, Real Property shall be auctioned by the Sheriff at a designated location and time in accordance with ORS 275.140.
- E. All public auctions shall adhere to the following requirements:
 - i. *Registration.*
 - 1) Individuals intending to bid or purchase Real Property must first register with the County. Registration shall be opened to the public at least one hour prior to the auction start time.
 - 2) Bidders must be present at the auction. Property Management shall not allow absentee bidding.
 - i. *Bidding.*
 - 1) The County shall only accept oral bids during the auction. Any sealed bids received by the County shall be rejected.
 - 2) Bids for less than the advertised minimum bid shall not be accepted.

3) Bidding shall be done in increments of \$100.00.

i. *Payment & Fees.*

- 1) Successful bidders must immediately pay the County an amount equal to 20% of the minimum advertised price for the Real Property purchased (the “deposit”). Once accepted from the winning bidder, deposits are not refundable.
- 2) Full payment shall be made by the winning bidder within two business days following the auction. The County shall not carry contracts or purchase agreements for publicly auctioned Real Property.
- 3) Payment must include the bid amount plus all applicable recording fees.
- 4) Payment shall be made in cash, money order, or by cashiers’ check, made payable to “Yamhill County”.

i. *Certificate of Sale and Receipt; Deed.*

- 1) The County shall issue a “Certificate of Sale and Receipt” to the winning bidder at the time of payment. The “Certificate of Sale and Receipt” shall be signed by the successful bidder and shall include the amount of the sale and the name that is to be recorded on the deed.
- 2) The County shall deed the Real Property to the winning bidder no later than thirty (30) days following payment.

F. The County may remove any Real Property from a public auction if the Board deems it to be in the best interest of the County.

G. Real Properties offered but not sold at a public auction are to be sold on a first-come-first-serve basis after the auction via the private sale process outlined in Section 3.06. Such properties should initially be listed with a minimum bid price of 90% of the auction minimum bid, with the price being lowered at least monthly until the property sells or the price reaches 15% of the auction minimum bid. Notwithstanding the foregoing, the minimum bid price of certain Real Properties may be lowered immediately to 15% of the auction minimum bid amount if it is determined to be in the best interests of the County (e.g., Real Properties with significant expenses or risk).

4.08 Request for Proposals. At the discretion of the Board, and where permitted by law, the County may sell Real Property by releasing a Request for Proposals whereby the County seeks out prospective buyers and requests written proposals for the purchase and development of the Real Property. The terms of any such Request for Proposal shall be determined by the Board on a case-by-case basis.

4.09 Surplus Proceeds from Sale of Real Property.

A. If the sale amount for any Real Property sold exceeds the back taxes owed, plus interest, the surplus proceeds from the sale shall be refunded, following payment of all amounts authorized under ORS 275.275, upon application of the Record Owner of the Real Property.

- B. Applications for Surplus Proceeds shall be in a form substantially similar to Addendum 2, attached hereto.
- C. Assignments of interests, deeds, or other documents executed or recorded after Real Property is deeded to the County shall not affect the payment of surplus proceeds to the Record Owner as described herein.
- D. In the event that no claim for the surplus proceeds is received by the County within two (2) years after the date of the sale, the County shall, at expiration of the two-year period, distribute the surplus funds as provided in ORS 275. Pursuant to ORS 98.336, the expiration of the two-year period extinguishes all claims by any Record Owner to the surplus proceeds.
- E. Any determination or decision made by the County under this Section 4.09 is subject to review by the Yamhill County Circuit Court via a Writ of Review proceeding pursuant to the provisions of ORS 34.

4.10 Surplus Proceeds Procedure when Real Property is Retained by the County or Transferred to a Local Government, Local Municipality, or Qualifying Nonprofit.

- A. If the County retains Real Property as permitted under Section 4.03, or if the County transfers Real Property as permitted under Sections 4.04 and 4.05, the County shall provide notice to the Record Owner of its intent to retain or transfer the Real Property.
- B. The County shall send written notice to the Record Owner, if known, by either registered or certified mail notifying them of the County's intent to retain or transfer the Real Property. The notice shall, at minimum, include the following information:
 - 1) A statement that the County intends to retain or transfer the Real Property, and that the Record Owner has the right to object to the retention or transfer;
 - 2) An accounting of:
 - i. The total amount of back-taxes owed, plus interest, for the Real Property;
 - ii. The total amount of expenses expended by the County in the maintenance and supervision of the Real Property; and
 - iii. The total fees and penalties that are lawfully owed on the Real Property;
 - 3) An explanation that, if the Record Owner wishes to object to the retention or transfer, a notice of objection may be filed with the Board not less than 10 days from the date of the notice; and
 - 4) Clarification that any objection must contain information adequate to ascertain whether the Real Property has a market value substantially exceeding the amount of back-taxes owed, plus interest, all expenses expended by the County for the maintenance and upkeep of the Real Property, and any fees or penalties otherwise permitted by law.
- C. If an objection is adequately and timely filed, the Board shall, at the next regular meeting, hear the objections and determine if the Record Owner has a right to alleged surplus proceeds, if any.
- D. The Board's decision is subject to review by the Yamhill County Circuit Court via a Writ of Review proceeding pursuant to the provisions of ORS 34.

ADDENDUM 1: YAMHILL COUNTY PROPERTY INSPECTION FORM

Date:	Tax Lot Number:
Inspector:	Tax Account Number:
Previous Owner(s):	Address:
Acres:	Zoning:
Real Market Value: \$ _____	Buildable Lot? <input type="checkbox"/> Y <input type="checkbox"/> N
Confirmed by Tax & Assess*? <input type="checkbox"/> Y <input type="checkbox"/> N	Confirmed by Planning*? <input type="checkbox"/> Y <input type="checkbox"/> N
Accessible by Car? <input type="checkbox"/> Y <input type="checkbox"/> N	Evidence of Occupancy? <input type="checkbox"/> Y <input type="checkbox"/> N
Connected Utilities? <input type="checkbox"/> Y <input type="checkbox"/> N	DEQ Notices Exist for Property? <input type="checkbox"/> Y <input type="checkbox"/> N
Structures on Property? <input type="checkbox"/> Y <input type="checkbox"/> N	Vegetation Maintenance Required? <input type="checkbox"/> Y <input type="checkbox"/> N
Condition of Property (short summary):	
Security/Enforcement Checklist: <input type="checkbox"/> Changed Locks – Date/Details: _____ <input type="checkbox"/> Shut Off Utilities – Date/Details: _____ <input type="checkbox"/> Disconnected Garage Doors – Date/Details: _____ <input type="checkbox"/> Posted No Trespassing Signs – Date/Details: _____ <input type="checkbox"/> Moved Exterior Items Inside/Secured – Date/Details: _____ <input type="checkbox"/> Boarded Up Windows and Doors – Date/Details: _____ <input type="checkbox"/> Installed Exterior Lighting System – Date/Details: _____ <input type="checkbox"/> Other – Date/Details: _____	
Vehicles on Property? <input type="checkbox"/> Y <input type="checkbox"/> N Plate State/Number: _____ VIN: _____ Plate State/Number: _____ VIN: _____ Plate State/Number: _____ VIN: _____	
Personal Property Left on Property? <input type="checkbox"/> Y <input type="checkbox"/> N [describe]	
Signs of Hazardous Materials or Conditions? <input type="checkbox"/> Y <input type="checkbox"/> N [describe]	
Signs of Drug Manufacturing? <input type="checkbox"/> Y <input type="checkbox"/> N [describe]	
Other Concerns:	
Pictures Attached? <input type="checkbox"/> Y <input type="checkbox"/> N	

*Nonbinding assessment

ADDENDUM 2: REQUEST FOR SURPLUS PROCEEDS

CLAIM FORM INSTRUCTIONS

If you believe you are entitled to surplus proceeds as a result of a tax foreclosure sale, fill out this form and mail it, along with the required documentation outlined below, to the following address:

Yamhill County Counsel's Office
ATTN: Tax Foreclosure Surplus Claim
535 NE Fifth Street
McMinnville, OR 97128

1. Attach a copy of the front and back of your current photo identification (e.g., driver's license). Provide proof of your current mailing address if different from current photo identification.
2. If applicable, attach a copy of documentation showing proof of any name changes (e.g., marriage certificate).
3. Include a copy of the property deed or other documentation showing prior ownership.
4. If you are claiming surplus proceeds for someone else, please provide documentation such as a power of attorney, conservator, guardian, etc.
5. If you are claiming property as an heir to a deceased person, send documentation such as a death certificate or obituary. If the probate is open, send original court-certified copies of Letters of Administration or Affidavit of Claiming Successor. If the probate is closed, send an original court certified copy of the Final Decree of Distribution listing the heirs. Note: Yamhill County requires probate on claims for surplus funds valued at \$5,000 and above.
6. Sign completed form in the presence of a notary public.

SURPLUS FUNDS COMPUTATION

(to be completed by County Staff)

		<u>Staff Initial</u>
Sale Amount:	\$ _____	_____
Back Taxes Owed:	\$ _____	_____
Interest:	\$ _____	_____
Liens:	\$ _____	_____
Fees & Penalties:	\$ _____	_____
Maintenance Costs:	\$ _____	_____
Legal Expenses:	\$ _____	_____
SURPLUS PROCEEDS:	\$ _____	_____