

## CHAPTER 8

### ACCELERATION OF REDEMPTION PERIOD

#### FOR TAX FORECLOSED PROPERTY

**8.005 Definitions.** As used in Benton County Code Chapter 8.

- (1) **"Abandonment"** occurs when property is not occupied by the owner or any person or entity that appears in the records of the County to have a lien or other interest in the property for a period of six consecutive months, and the property has suffered a substantial depreciation in value or will suffer a substantial depreciation in value if not occupied.
- (2) **"Records of the County"** has that meaning given in ORS 312.125(7).
- (3) **"Tax Collector"** means the Benton County Director of Finance and Taxation.
- (4) **"Waste"** means the destruction, material alteration or deterioration of land or improvements thereon, whether caused directly by the person rightfully in possession thereof or permitted to be done by others through failure to supervise such property resulting in substantial loss of value, or the threat thereof, to the property, and which results in forfeiture of the right to possession of the property under ORS 312.180. [Ord. 90-0068]

**8.105 Acceleration of Redemption Period Authorized.** Subject to the requirements of this Chapter, the Benton County Board of Commissioners shall have the power to order the Tax Collector to deed to the County pursuant to ORS 312.200 any real property sold to the County under ORS 312.100 after the expiration of a thirty (30) day period if the property is subject to abandonment or waste. [Ord. 90-0068]

#### HEARING

**8.205 Hearing Required.**

- (1) Whenever the Board determines that real property sold to the County under ORS 312.100 may be subject to waste or abandonment, the Board shall set a date, time, and place within the County for a hearing to determine whether the property should be deeded to the County pursuant to Benton County Code Chapter 8.105.
- (2) The owner of the subject property and any person or entity that appears in the records of the County to have a lien or other interest in the property shall be given an opportunity to be heard. [Ord. 90-0068]

**8.210 Notice of Hearing.**

- (1) Not less than thirty (30) days prior to the hearing, the Board shall notify the owner and any

person or entity that then appears in the records of the County to have a lien or other interest in the subject property. The Notice shall contain:

- (a) The date, time, and place of the hearing;
  - (b) The date of the judgment and decree issued pursuant to ORS 312.100;
  - (c) The normal date of expiration of the period of redemption under ORS 312.120;
  - (d) The legal description and tax account number of the property;
  - (e) The name of the owner as it appears on the latest tax role; and
  - (f) A warning that if the Board determines that the property is subject to waste or abandonment as defined in Benton County Code Chapter 8.005, the property will be deeded to the County immediately after the expiration of 30 days from the date of the Board order so determining, and that every right or interest of any person in the property will be forfeited forever to the County unless the property is redeemed within that 30 day period.
- (2) The notice shall be sent by both regular first class and certified mail.
- (3) Notice sent to an owner shall be addressed to the owner or owners, as reflected in the County deed record, at the address of the owner appearing on the instrument of conveyance under ORS 93.260 or as furnished under 311.555 or as otherwise ascertained by the Tax Collector pursuant to ORS 311.560.
- (4) Notice sent to persons or entities other than the owner shall be addressed to that person or entity at the address which the County knows or after reasonable inquiry, has reason to believe to be the address at which such person or entity will most likely receive actual notice. If such person or entity is a corporation or limited partnership, the County shall be considered to have made reasonable inquiry if the notice is mailed to the registered agent or last registered office of the corporation or limited partnership, if any, as shown by the records on file in the office of the Oregon Corporation Commissioner. If the corporation or limited partnership is not authorized to transact business in Oregon, then inquiry will be considered sufficient if notice is mailed to the principle office or place of business of such corporation or limited partnership. [Ord. 90-0068]

### **8.215 Conduct of Hearing.**

- (1) After the Board opens the public hearing, the Tax Collector or designee shall present evidence or testimony demonstrating why the County believes that the property is subject to waste or abandonment and should be deeded to the County. Following testimony by the Tax Collector, the Board shall allow any person or entity entitled to notice to present or challenge evidence or testimony. The Tax Collector shall be permitted to respond, and then the other parties shall be allowed to respond to the Tax Collector, and so on. The Board shall then close the hearing and return the matter to the table for deliberation and decision.

- (2) The formal rules of evidence shall not be strictly observed.
- (3) Parties may be represented by an attorney, or may be represented by a non-attorney if written authorization by the party is presented into the record.
- (4) The proceeding shall be electronically recorded. The recording shall be retained for two years after the date of the Board's order. [Ord. 90-0068]

## **ORDER**

**8.305 Order.** If the Board determines after the hearing that the property is subject to waste or abandonment and should be deeded to the County, the Board shall adopt an order so finding. The order shall:

- (1) Provide that any rights of possession the owner may have in the property are forfeited; and
- (2) Direct the Tax Collector to deed the subject property to the County after the expiration of thirty days from the date of the order, unless it is sooner redeemed by the owner or any person or entity that then appears in the records of the County to have a lien or other interest in the subject property. [Ord. 90-0068]

**8.405 Tax Collector's Deed.** Upon failure of any affected party to redeem the subject property within 30 days after adoption of the Board Order pursuant to Benton County Code Chapter 8.305, the Tax Collector shall issue a deed to the County, which shall terminate all redemption rights and cancel all taxes and special assessments. [Ord. 90-0068]