

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Acceleration of Redemption Period)
) FINAL ORDER NO. 7-2021
)
) FINDINGS AND CONCLUSIONS

WHEREAS, on September 29, 2020, Columbia County foreclosed on property having Tax Map ID 4227-CO-00700; and Tax Account No. 8166, located at 31384 Wildwood Drive, Scappoose, Oregon, 97056, which is further legally described in Attachment "1" which is attached hereto and is incorporated herein by this reference (the "Property"), for delinquent ad valorem real property taxes; and

WHEREAS, the County set the date, time, and place for a hearing for March 10, 2021, at or after 10:00 a.m. in the Columbia County Courthouse, for the purpose of determining whether the Property is subject to waste or abandonment and whether the Property should be deeded to the County after the expiration of a 30-day period; and

WHEREAS, on February 5, 2021, a Notice of Hearing to Determine Acceleration of Redemption Period for the Property was mailed by regular first class and certified mail to the former owner and any other person or entity appearing in the records of the County to have a lien or other interest in the Property; and

WHEREAS, on February 5, 2021, the Notice of Hearing to Determine Acceleration of Redemption Period for the Property was mailed to Occupants at the Property address, and was posted on the Property on February 9, 2021; and

WHEREAS, On March 3, 2021, a Staff Report to the Board of County Commissioners from the Land Development Services Department, and a Staff Report to the Board of County Commissioners from the Columbia County Tax Collector, were posted to the County's website, together with their attachments and exhibits; and on March 10, 2021, Exhibits 3-22 were posted to the website in advance of the hearing; and

WHEREAS, on March 10, 2021, a hearing was held to determine whether to accelerate the redemption period for the Property; and

WHEREAS, at the hearing, MaryAnn Guess, Tax Collector, presented testimony and evidence demonstrating why the Tax Collector believes that the Property is subject to waste and should be deeded to the County after the expiration of 30-days, and called David Carlberg, Land Use Compliance Specialist, as a witness; and

ORDER NO. 7-2021

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Return to:
BOARD OF COUNTY
COMMISSIONERS
230 STRAND ST., ROOM 331
ST HELENS, OR 97051

COLUMBIA COUNTY, OREGON 2021-004044
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I, Elizabeth E. Huser, County Clerk for Columbia County, Oregon
certify that the instrument identified herein was recorded in the Clerk
records.

Elizabeth E. Huser - County Clerk

WHEREAS, following testimony from the Tax Collector, and David Carlberg, Carl Peterson, resident of the Property, appeared at the hearing and provided testimony in opposition to the acceleration of the redemption period for the Property; and

WHEREAS, following testimony from Mr. Peterson, David Carlberg provided additional information to the Board regarding Mr. Peterson's testimony; and

WHEREAS, following Mr. Carlberg's testimony, Mr. Peterson was provided an opportunity to respond; and

WHEREAS, no other persons or entities entitled to notice presented oral or written testimony or other evidence regarding whether the Property is subject to waste or abandonment; and

WHEREAS, after the conclusion of testimony presented in opposition, the Tax Collector had the final opportunity to respond and recommended that the Board of County Commissioners find that the Property is subject to waste and that the redemption period should be accelerated; and

WHEREAS, at the hearing, County Counsel's hearing file was introduced into the Record, containing:

- Exhibit 1. Staff Report to Board of County Commissioners from Land Development Services, dated March 10, 2021, with the following attachments:
- Exhibit A - Complaint Received January 25, 2018;
 - Exhibit B - Compliance Order Dated June 14, 2019;
 - Exhibit C - Citation #1527 and Citation Summary Packet;
 - Exhibit D - Email Complaints Received on December 16, 2019;
 - Exhibit E- Email from Ron Sarayudi, Oregon Health Authority dated May 13, 2020;
 - Exhibit F- Legal Description of the Property, Vicinity Map, Assessor's Map 2018 Aerial Photo;
 - Exhibit G- Notice of Hearing to Determine Acceleration of Redemption Period;
 - Exhibit H- Affidavit of Posting of the Notice of Hearing to Determine Acceleration of Redemption Period;
 - Exhibit I- Ordinance No. 2016-6, the Columbia County Acceleration of Redemption Ordinance;
 - Exhibit J - Site Comparison Photos June 24, 2020 and February 9, 2021;
 - Exhibit K – Site Comparison Photos June 12, 2019 and February 9, 2021;
 - Attachment 1 - June 12, 2019 Site Photos;
 - Attachment 2 - July 12, 2019 Site Photos;
 - Attachment 3 - October 17, 2019 Site Photos;

- Attachment 4 - June 24, 2020 Site Photos;
 Attachment 5 - July 6, 2020 Site Photos;
 Attachment 6 - August 12, 2020 Site Photos;
 Attachment 7 - November 3, Site Photos;
 Attachment 8 - November 6, 2020 Site Photos;
 Attachment 9 - December 3, 2020 Site Photos;
 Attachment 10 - February 9, 2021 Site Photos;
- Exhibit 2. Staff Report to the Board of County Commissioners from MaryAnn Guess, Columbia County Tax Collector, dated March 10, 2021, with the following attachments:
 Exhibit 1- General Judgment of Foreclosure;
 Exhibit 2- Notice of Hearing to Determine Acceleration of Redemption Period;
 Exhibit 3- Affidavit of Mailing;
 Exhibit 4- Affidavit of Posting;
- Exhibit 3. Tax Foreclosure Report dated November 16, 2020;
 Exhibit 4. Complaint form from Charlie Curtis dated January 8, 2021;
 Exhibit 5. Mobile Incident Report related to hazard in right of way dated December 22, 2020;
- Exhibit 6. Daniel Walter Langshaw Living Trust dated October 1, 2014;
 Exhibit 7. Residential Lease and Option;
 Exhibit 8. Site Investigation Form October 7, 2019;
 Exhibit 9. Site visit notes re. Carl Peterson;
 Exhibit 10. Pre-enforcement notice to Carl Peterson from Oregon Department of Environmental Quality dated January 28, 2021;
- Exhibit 11. Notice of hearing to David and Denine Langshaw;
 Exhibit 12. Notice of hearing to James David Langshaw;
 Exhibit 13. Notice of hearing to Sharon Rae Warren;
 Exhibit 14. Notice of Hearing to David Russell Langshaw;
 Exhibit 15. Notice of Hearing to Michael L. Langshaw;
 Exhibit 16. Notice of Hearing to Michelle Annette Langshaw;
 Exhibit 17. Notice of Hearing to Carl Peterson;
 Exhibit 18. Notice of Hearing to Christina Torres;
 Exhibit 19. Notice of Hearing to Tiffany Anne Torres;
 Exhibit 20. Notice of Hearing to SELCO Community Credit Union;
 Exhibit 21. Notice of Hearing to Amorina Langshaw;
 Exhibit 22. Notice of hearing to Occupants; and

WHEREAS, the Board of County Commissioners, having heard testimony and received evidence, closed the public hearing, deliberated on the matter and tentatively found that the Property is subject to waste resulting in forfeiture to the County of the former owner's right to possess the Property during the redemption period, declaring that any rights of possession the former owner may have in the Property are forfeited; directing that the redemption period for the property will end 30 days after the date of the Board's order, and directing that after the expiration of the accelerated redemption period, the Property shall be deeded to the County by the Tax Collector if the former owner or anyone else having a right to redeem under ORS Chapter 312 has

not redeemed the Property; and all rights of redemption held by any person or entity appearing in the records of the County to have a lien or other interest in the Property shall terminate on the execution of the deed to the County;

NOW THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Board of County Commissioners adopts Findings No. 1-7 of the Columbia County Tax Collector's Staff Report to the Board of County Commissioners, dated March 10, 2021, which is attached hereto as Attachment "2," and is incorporated herein by this reference.
2. The Board of County Commissioners adopts the facts act set forth in the Columbia County Land Development Services Staff Report to the Board of County Commissioners dated March 10, 2021, which is attached hereto as Attachment "3" and is incorporated herein by this reference.
3. The Board of County Commissioners adopts the Supplemental Findings which are attached hereto as Attachment "4," and are incorporated herein by this reference.
4. The Board of County Commissioners finds that the Property is subject to waste resulting in forfeiture to the County of the former owner's right to possess the Property during the redemption period.
5. Any rights of possession the former owner may have in the Property are forfeited.
6. The redemption period for the Property will end thirty (30) days after the date of this Order.
7. After the expiration of the accelerated redemption period, the Property shall be deeded to the County by the Tax Collector if the former owner or anyone else having a right to redeem under ORS Chapter 312 has not redeemed the Property, including but not limited to any person or entity that appears in the records of the County to have a lien or other interest in the Property. All rights of redemption held by any person or entity appearing in the records of the County to have a lien or other interest in the Property shall terminate on the execution of the deed to the County, pursuant to ORS 312.122(2)(c).
8. A copy of this Order shall be recorded in the deed records of Columbia County.
9. A copy of this Order shall be mailed by first class mail to the former owner and any other person or entity entitled to notice of the hearing.
10. This Order shall be effective when it is signed.

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11. Any party may appeal this Order in Columbia County Circuit Court by filing a petition for writ of review pursuant to ORS 34.010 to 34.102 within 30 days of the date of this Order.

DATED this 31 day of March, 2021.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: [Signature]
Margaret Magruder, Chair

STATE OF OREGON)
)
County of Columbia)

ss.

ACKNOWLEDGMENT

This instrument was acknowledged before me on the 31 day of March, 2021, by Margaret Magruder, Chair, Board of County Commissioners of Columbia County, Oregon, on behalf of which the instrument was executed.



[Signature]
Notary Public for Oregon

Approved as to form

By: [Signature]

Office of County Counsel

**OFFICIAL RECORD
OF DESCRIPTIONS,
REAL PROPERTIES**

**TAX ACCOUNT NO: 8186
ACCOUNT: 4N2W27C0 00700**

LANGSHAW DANIEL W & LANGSHAW DENINE C Tax amount and int \$11,743.59

20-018

A tract of land situated in the Southwest quarter of Section 27, Township 4 North, Range 2 West, Willamette Meridian, Columbia County, Oregon; more particularly described as follows:

BEGINNING at a point which is South 89°09'36" West 694.00 feet from the South quarter corner of Section 27, Township 4 North, Range 2 West of the Willamette Meridian, Columbia County, Oregon; said point being the Southwest corner of the Joseph A. Baker tract as recorded in Deed Book 204, Page 435; Thence North 01°01'32" West along the West line of said Baker tract 402.00 feet to the TRUE POINT OF BEGINNING of the Parcel herein described; said point being the Northeast corner of the Bruce I. Neeland tract as described in Deed recorded June 7, 1989 under Instrument No: 89-2942, Deed Records of Columbia County, Oregon;

THENCE North 82°31'14" West a distance of 252.78 feet to the Southeast corner of the Gifford D. Barnes et ux tract as described in Deed recorded October 15, 1980, in Book 233, Page 245, Deed Records of Columbia County, Oregon;

THENCE North 01°01'32" West along the East line of said Barnes tract a distance of 871.60 feet to the Southerly right of way of the Scappoose Vernonia Highway;

THENCE South 82°31'14" East along said right of way a distance of 252.78 feet to the West line of said Baker tract;

THENCE South 01°01'32" East a distance of 871.60 feet to the True point of Beginning.

**COLUMBIA COUNTY TAX COLLECTOR
BOARD OF COUNTY COMMISSIONERS STAFF REPORT
March 10, 2021**

CASE NO: 20-CV28801

FORECLOSURE LIST NO: 20-018

TAX ACCOUNT NO: 8186

TAX MAP ID: 4227-C0-00700

PROPERTY OWNER(S): Daniel W. Langshaw and Denine C. Langshaw
31384 Wildwood Drive
Scappoose, OR 97056

PROPERTY LEESEE/OCCUPANT: Carl Dean Peterson

PROPERTY LOCATION: 31384 Wildwood Drive
Scappoose, OR 97056

ZONING: (RR-5) Rural Residential – 5

SIZE: 5.00 acres

REQUEST: Public Hearing: To Determine If the Property is Subject to Waste and/or Abandonment pursuant to Board Ord. 2016-6.

History

On August 19, 2020, I initiated tax foreclosure proceedings against the above subject property For delinquent ad valorem real property taxes. A copy of the General Judgment of Foreclosure Is attached hereto as Exhibit 1. On November 6, 2020, I learned from the Land Development Services Department that the subject property is subject to waste or abandonment as defined in Ordinance No. 2016-6. Based on the history of waste and on-going failure to comply by the owners and occupants of the property, the Land Development Services Department requested that I initiate proceedings to accelerate the redemption period for the subject property.

The ad valorem real property tax statutes (Chapter 312) provide a statutory timeline for foreclosures. The procedure gives a property owner two years between the time the County takes general judgment and the time the Tax Collector issues a tax collector deed to the County. During that two year period, the property may be redeemed by payment of all back taxes, interest and penalties. Also during that period, the prior property owner retains possession of the property.

However, ORS 312.122 also provides that a county may, by ordinance, adopt a process to accelerate this redemption period if a property is subject to waste or abandonment. The County adopted such an ordinance in 2016 as Ordinance No. 2016-6, "In the Matter of Establishing a Procedure for Accelerating the Redemption Period For Waste and Abandonment."

On November 16, 2020, I procured a tax foreclosure report which showed the following persons/entities potentially have an interest in the property: Daniel W. Langshaw & Denine C. Langshaw, as Tenants In Common; and SELCO Community Credit Union, successor by merger to Forest Park Federal Credit Union;

On January 26, 2020, I conducted an additional internet search for additional persons/entities that may have an interest in the property. I determined the following may have an interest in the property: James David Langshaw; Sharon Rae Warren; David Russell Langshaw; Michael Jackson Langshaw; Michael Langshaw; Michelle Annette Langshaw; Carl Peterson; Christina Torres; Tiffany Ann Torres; and Amorina Langshaw;

On February 5, 2021, I mailed a Notice of Hearing to Determine Acceleration of Redemption Period to the above persons/entities. A copy of the Notice of Hearing to Determine Acceleration of Redemption Period is attached hereto as Exhibit 2, together with an Affidavit of Mailing which is attached hereto as Exhibit 3.

On February 9, 2021, David Carlberg, LDS Code Compliance Specialist, posted a Notice of Hearing to Determine Acceleration of Redemption Period directed to occupants of the Property. A copy of such Notice is attached hereto as Exhibit 3. A copy of an Affidavit of Posting is attached hereto as Exhibit 4.

Findings:

1. Ordinance No. 2016-6, Section 2. "Any waste or abandonment of property, as defined in this Ordinance, shall forfeit to the County the right to possess the property during the two-year redemption period, and in addition, shall subject responsible persons to a fine as provided in Section 11."

Finding: If the Board determines that there has been waste or abandonment of the subject property, the Board may order that the right to possess the property during the two-year redemption period be forfeited, and further that any persons responsible for waste be fined as provided in Section 11 of the Ordinance.

2. Ordinance No. 2016-6, Section 1.A,

"Abandonment occurs when a 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."

Finding: Based on the record of these proceedings it appears the Carl Peterson has an interest in the property as either a lessee or as a purchaser under a Residential Lease/Option agreement dated September 2, 2014. Further, it appears that Mr. Peterson has occupied the property and that the property has not been unoccupied for a period of six consecutive months. Therefore, the subject property has not been abandoned.

3. Ordinance No. 2016-6, Section 1.I,

"Waste" means any act with the potential to adversely affect the property's condition or value, whether caused by the former owner or by anyone acting under the former owner's permission or control. Waste includes, but is not limited to, deterioration, destruction or material alteration of land or improvements, removal of agricultural or mineral assets, and violation of any provision