

W. B. C. J.

AGENDA MEMORANDUM
Date: July 31, 2008
Agenda Date: August 6, 2008

TO: Board of County Commissioners
DEPARTMENT: Public Works/Land Management Division
PRESENTED BY: Matt Laird, LMD Manager
AGENDA ITEM TITLE: ORDER/In the Matter of Authorizing the County Administrator to Execute a Lien Settlement in the amount of \$10,000 on Property Owned by Lisa K. Hathorn and Described as 1452 Juniper Lane, Springfield, Oregon, Assessor's Map 17 03 27 33 Tax Lot 900.

I. MOTION

Move approval of Board Order authorizing the County Administrator to execute a lien settlement in the amount of \$10,000 on property owned by Lisa K. Hathorn described as 1452 Juniper Lane, Springfield, Oregon, Assessor's Map 17 03 27 33 Tax Lot 900.

II. ISSUE OR PROBLEM

A lien in the amount of \$26,280 was recorded against the real property at 1452 Juniper Lane, Springfield, Oregon on November 2, 2004, 2004-084559, for the failure to comply with Lane Code 5.730(1), Nuisance Vehicle Storage and Lane Code 5.740(1), Accumulation, Collection or Storage of Solid Waste or Waste as the result of continued neighborhood complaints regarding the condition of the property. At that time, the property was in the ownership of Claudia Mae Woodmansee (now deceased) and her daughter, Lisa K. Hathorn. Lisa Hathorn and her husband, Michael Hathorn, were residents of the property.

The property remains in the ownership of Lisa K. Hathorn and she and her husband continue to reside on the property. They are attempting to refinance the property with Alternative Financial Services in an effort to pay property taxes owed to Lane County in the amount of \$7,624.62 due by August 14, 2008 to avoid tax foreclosure.

III. DISCUSSION

A. Background

The property has a history of compliance actions since 2003 involving nuisance conditions. One owner, Claudia Woodmansee, was ill and residing in a care

facility in Springfield. The other listed owner, Lisa K. Hathorn and her husband Michael Hathorn resided on the property. Michael Hathorn states he was undergoing cancer treatment during that time and the property remained in non-compliance from 2003-2005. Many attempts to contact the owners through mailed correspondence and personal visits were not successful. A lien was recorded on November 2, 2004.

Photographs dated May 11, 2005, indicate that the property was in compliance with Lane Code Chapter 5.

B. Analysis

A site inspection of the property on July 29, 2008, revealed that some nuisance conditions remain on the property specifically in the back portion of the property; however, the condition of the front portion of the property revealed that all vehicles were currently licensed and most of the debris and been removed. The lender, Alternative Financial Services has proposed a settlement of the \$26,280 lien in the amount of \$10,000 with the condition that the taxes owing Lane County will be paid and the nuisance conditions abated on the property.

The County will propose that settlement language include the payment of \$10,000 with the remaining balance of the County's lien of \$16,280 to be subrogated to Alternative Financial Services, but to otherwise remain as a lien on the property for a period of one year to ensure that the property remains in compliance. An additional condition will be that the Hathorns will agree to allow inspection of the property prior to any release of the remaining County lien.

C. Alternatives/Options

- 1) Approve the Order
- 2) Do not approve the Order and the existing lien of \$26,280 remains on the property.
- 3) Do not approve the Order and Tax Foreclosure of the property may occur.

D. Recommendations

- 1) Approve the Order

E. Timing

Timing is important in this matter because a tax payment in the amount of \$7,624.62 is due to Lane County on August 14, 2008.

IV. IMPLEMENTATION

V. ATTACHMENTS

Board Order

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

Order No. (In the Matter of Authorizing the County Administrator to
(Execute a Conditional Lien Settlement Agreement in the
(Amount of \$10,000 on Property Owned by Lisa K. Hathorn and
(Described as 1452 Juniper Lane, Springfield, Oregon,
(Assessor's Map 17 03 27 33 Tax Lot 900

The Board of County Commissioners of Lane County orders as follows:

Whereas a lien in the amount of \$26,280 was recorded against the real property at 1452 Juniper Lane, Springfield, Oregon, Assessor's Map 17 03 27 33 Tax Lot 900, on November 2, 2004 as Document No. 2004-084559 for violations of Lane Code 5.730(1), Nuisance Vehicle Storage and Lane Code 5.740(1), Accumulation, Collection or Storage of Solid Waste or Waste; and

Whereas the owner of the property at 1452 Juniper Lane, Springfield, Oregon is Lisa K. Hathorn and Lisa K. Hathorn and her husband, Michael Hathorn are currently residing on the property; and

Whereas Lisa K. and Michael Hathorn are attempting to refinance the existing property through Alternative Financial Services to assist with the abatement of nuisance conditions on the property and to pay real property taxes owing Lane County; and

Whereas Alternative Financial Services, on behalf of the Hathorns, has requested that the Lane County Board of Commissioners consider a settlement of the lien in the amount of \$10,000 with the additional conditions that the Hathorns pay the real property taxes owing Lane County and that nuisance conditions be abated and that the remaining balance of the County's lien in the amount of \$16,280 will be subrogated to Alternative Financial Services and remain as a lien on the property for one year to ensure that the property remains in compliance; now therefore

It is hereby ordered that the County Administrator is authorized to execute a subrogation agreement as aforesaid, regarding the lien property located at 1452 Juniper Lane, Springfield, Oregon, upon payment of the sum of \$10,000, and allow the balance of the lien in the amount of \$16,280 be subrogated to Alternative Financial Services to remain as a lien on the property for a period of one year from the date of closing. Further, upon one year's successful compliance and upon request of the owner, the County Administrator is authorized to sign a satisfaction as to the balance of the above referenced County lien.

Dated this _____ day of August 2008.

Faye Stewart, Chair
Lane County Board of Commissioners