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AGENDA COVER MEMORANDUM

Agenda Date: February 22, 2006

DATE: February 8, 2006

TO: Board of County Commissioners

DEPARTMENT: Management Services

PRESENTED BY: Jeff Turk, Property Management Officer 2

SUBJECT: ORDER/IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO PATTI J. TORONI, FORMER OWNER OF RECORD, FOR \$3,500 (MAP #21-35-16-24-00902, 76478 WALNUT, OAKRIDGE)

1. **PROPOSED MOTION:** THE BOARD OF COUNTY COMMISSIONERS MOVES TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO PATTI J. TORONI, FORMER OWNER OF RECORD, FOR \$3,500 (MAP #21-35-16-24-00902, 76478 WALNUT, OAKRIDGE)

2. **ISSUE/PROBLEM:** Ms. Toroni is the former owner of record of the subject property which consists of a lot and manufactured dwelling. Ms. Toroni wishes to repurchase the property pursuant to ORS 275.180 and LM 21.425(4). The proposed purchase price is \$3,500 which includes all taxes, including those which would have been due for the current year, interest and penalties that were owed on the property at the time the County acquired title plus an additional 10% thereon.

3. **DISCUSSION:**

3.1 Background

The County acquired title to the subject property in September 2005 through tax foreclosure. The subject property consists of a 100' x 72' lot with a 770 sq. ft. manufactured dwelling which is in poor condition (built in 1971). The land has an assessed

value of \$21,000, the manufactured dwelling is assessed at \$10,000. Ms. Toroni purchased the property in 1995.

The subject property was not Ms. Toroni's residence at the time of foreclosure. Ms. Toroni has been in California (Eureka area) attending college.

Ms. Toroni has also been under the care of a psychologist at the Redwood Vets Center in Eureka for Post-Traumatic Stress Disorder related to her service as an Army Medic (honorable discharge, 1975). Ms. Toroni has been determined to have a 70% service related disability by the Veterans Administration.

3.2 Analysis

ORS 275.180 provides for selling foreclosed property back to the owner of record at any time but for not less than the amount of taxes, interest and penalties owing on the property at the time the County acquired title plus 6% interest thereon until the time the property is sold. Lane Manual 21.425(4) qualifies ORS 275.180 by requiring one of three conditions to exist for a sale to the former owner of record. Those conditions are that: (a) the property was the residence of the former owner at the time of the foreclosure; (b) an error was made by the Assessor in placing the property on the foreclosure list; (c) the former owner was physically or mentally incapacitated during the foreclosure period. Ms. Toroni appears to meet the qualification of being physically and/or mentally incapacitated during the foreclosure period.

3.3 Alternatives/Options

1. Sell the property to Ms. Toroni for the minimum amount pursuant to ORS. 275.180 plus taxes which would have been owed for the current year plus 10% thereon. A total of \$3,500.
2. Sell the property to Ms. Toroni for an amount greater than #1 above.
3. Reject selling the property back to Ms. Toroni and offer the property at a Sheriff's sale which would yield greater consideration (\$30,000 - \$40,000).

3.4 Recommendation

It is recommended that alternative #1 be implemented. There are no underlying reasons - such as money the County has put into the property for upkeep, repairs, etc. - for selling the property above the amount proposed except for any policy decisions by the Board. Ms. Toroni has remitted a \$3,500 cashier's check.

3.5 Timing

None.

4. **IMPLEMENTATION/FOLLOW-UP:** Upon approval by the Board of County Commissioners, the Quitclaim Deed will be executed and the property sold to Ms. Toroni.

5. **ATTACHMENTS:**
 - Board Order
 - Quitclaim Deed
 - Letter from Psychologist
 - Letter from Ms. Toroni
 - Plat Map

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO PATTI J. TORONI, FORMER OWNER OF RECORD, FOR \$3,500 (MAP #21-35-16-24-00902, 76478 WALNUT, OAKRIDGE)

WHEREAS this matter now coming before the Lane County Board of Commissioners and said Board deeming it in the best interest of Lane County to sell the following real property which was acquired through tax foreclosure, to wit:

The South 1/2 of Lots 5 and 6, Block 10, of the ORIGINAL PLAT OF OAKRIDGE, as platted and recorded in Book 4, Page 29, Lane County Oregon Plat Records, Lane County Oregon.

WHEREAS said real property is owned by Lane County and not in use for County purposes, and sale of said property would benefit Lane County by its return to the tax roll, and

WHEREAS Ms. Toroni is the former owner of record of said real property and it has been deemed that she was mentally incapacitated during the time of foreclosure

IT IS HEREBY ORDERED that pursuant to ORS 275.180, ORS 275.275 and Lane Manual 21.425 the real property be sold to Patti J. Toroni for \$3,500, that the Quitclaim Deed be executed by the Board, and that the proceeds be disbursed as follows:

Foreclosure Fund	(228-5570270-446120)	\$3,224
General Fund	(124-5570260-436521)	276

IT IS FURTHER ORDERED, that this Order shall be entered into the records of the Board of Commissioners of the County.

DATED this _____ day of _____, 2006.

Bill Dwyer, Chair, Board of County Commissioners

IN THE MATTER OF AUTHORIZING THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY TO PATTI J. TORONI, FORMER OWNER OF RECORD, FOR \$3,500 (MAP #21-35-16-24-00902, 76478 WALNUT, OAKRIDGE)

APPROVED AS FOLLOWS

2-17-06 Lane County



QUITCLAIM DEED

LANE COUNTY, a political subdivision of the State of Oregon, pursuant to Order No. _____ of the Board of County Commissioners of Lane County, releases and quitclaims to:

PATTI J. TORONI

all its right, title and interest in that real property situated in Lane County, State of Oregon, described as:

The South 1/2 of Lots 5 and 6, Block 10, of the ORIGINAL PLAT OF OAKRIDGE, as platted and recorded in Book 4, Page 29, Lane County Oregon Plat Records, Lane County Oregon (21-35-16-24-00902).

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT WILL/DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS. 30.930 AND INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

The true and actual consideration for this transfer is \$3,500.00

LANE COUNTY BOARD OF COMMISSIONERS

STATE OF OREGON)
) ss
COUNTY OF LANE)

On _____, 2006 personally appeared _____

_____, County Commissioners for Lane County, and acknowledged the foregoing instrument to be their voluntary act. Before me:

After recording, return to/taxes to:
Patti J. Toroni
PO Box 770
Bayside, CA 95524

Notary Public for Oregon
My Commission Expires _____

January 6, 2006

Lane County Property Management
125 E. 8th Ave.
Eugene, OR 97401
Attn: Jeff Turk



• REDWOODS VET CENTER •

2830 G Street, Suite A
Eureka, CA 95501
(707) 444-8271

RE: Ms. Patti Toroni

Dear Mr. Turk:

I have been seeing Ms. Toroni at the Redwoods Vet Center since April 2, 2003 for symptoms of military-related Post-Traumatic Stress Disorder as well as low-grade depression and difficulties with attentional focus and memory. She has multiple, complex problems that are reflected in concurrent co-morbid diagnoses of Post-Traumatic Stress Disorder, Dysthymia (low-grade, chronic depression), Cognitive Disorder not otherwise specified, and Dependent Personality Disorder. She is also being treated for multiple medical conditions at the VA Medical Center in San Francisco. Ms. Toroni is a former U.S. Army medic who received an honorable discharge in January 1975. She was recently determined to have a 70% service-connected disability for PTSD by the Veterans Administration. She is currently in the process of appealing that decision to a finding of a total disability of 100%.

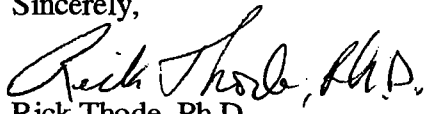
Ms. Toroni's cognitive and emotional difficulties wax and wane, but are prone to significant exacerbation under conditions of increased stress. Although she has diligently applied herself in therapy toward a better understanding of her problems and toward developing the skills and resilience necessary to manage stress, at times stress can overwhelm her ability to successfully manage her affairs and attend to relevant impinging matters. She recently underwent gastric bypass surgery in June of 2005 to help deal with chronic obesity. Since then she has lost over 100 lbs. and had to severely alter her lifestyle and lifelong eating habits. She also has severe advanced osteoarthritis. The pain from this has increased significantly since her surgery and she is not eligible for knee replacement surgery until her weight loss is complete and stabilized. She has been struggling to deal with multiple stressors including financial pressures, raising three boys with severe disabilities, and dealing with a sister who has displayed severe mental illness including threats to Patti that increased her stress and required her to get a restraining order against her sister. Her sister's condition has also led to multiple involuntary hospitalizations. Ms. Toroni has had recent stress-related difficulties in school at Humboldt State University, which resulted in her being placed on academic probation.

Despite such ongoing stress and difficulty coping with life's challenges, Ms. Toroni has impressed me as a sincere and dedicated mother who wants to better herself and contribute to the welfare of others. She has actively been involved in a soup kitchen that provides meals for homeless and needy individuals in the Eureka area. The welfare of

provides meals for homeless and needy individuals in the Eureka area. The welfare of her three boys has always been a paramount concern. I recently learned that she had lost her property in Oregon (her only means of any financial security) for failure to pay taxes in a timely fashion. Although she was very embarrassed to tell me this, it did not completely surprise me, given her difficulties attending to certain relevant details when under extreme stress. She hopes to rectify this situation and make arrangements to re-secure her property. She has discussed this matter with the Social Worker and her primary care provider at the VA Outpatient Clinic in Eureka. The Social Worker there informed her that they have people to assist her with her financial affairs. She is agreeable to any education and/or support they can offer.

My hope is that you would seriously consider the afore-mentioned mitigating circumstances when any decisions are made about the possibility of Ms. Toroni regaining title to her property. If I can be of any further assistance, please do not hesitate to contact me at 707-444-8271.

Sincerely,

A handwritten signature in black ink that reads "Rick Thode, Ph.D." in a cursive style.

Rick Thode, Ph.D.

Staff Psychologist/Clinical Coordinator
Redwoods Vet Center

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Hatti Jordan
PO Box 770
Bayside CA
95524

Dear Jeff,

Thank you for listening to me about the situation with the property, I have pushed myself really hard in school to try to better myself and my boys. I raised my son Rudy and my two nephews Brian and Steven. My older sister was severely mentally ill and that is what brought us to Oakridge. My two nephews and our family needed to get away from her abuse.

In 1991 I got bit by a tick that was infected by the Lyme - I then got Lyme disease and became ill. I have continued to have severe arthritis and

- 2 -

pain. I have not been able to sleep. After I lost my job I was not able to work + (the dynes came back) my payments stopped I had been sending payments and I thought I was getting caught up. After the loss of my job I went to get help through Veterans - I started going thru the process of taking classes, getting evaluated by medical, education and voc rehabilitation. I am try to finish school but I have severe arthritis and severe anxiety attacks memory problems as well as a disability rating with the VA now. I am currently ~~visiting~~

3
finishing my education here
My goal is to finish
and practice social work
also work with the
homeless. Recently I
had surgery to take weight
off. I have taken off a
total of 120 lbs. I was
taken off 90+ lbs since
the surg. June 23rd I am
still recovering and my
memory is good. I have
more energy and am
doing what I can to help
the boys. The youngest and
I came up in Oct + put
a new roof on it. I
hope that you can help
me. I have seen my
counselor and my dr and
social worker @ The VA.

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I have to get them
the information so they
can write you a letter.
I hope that the people
on the Commission will
have mercy on me.

That place is all I have
and Steve & I have
always gone back & forth.

I know it's not much
but it's all I have.

Sincerely

Patti Jones

76478 WALNUT ST

Oakridge OR.

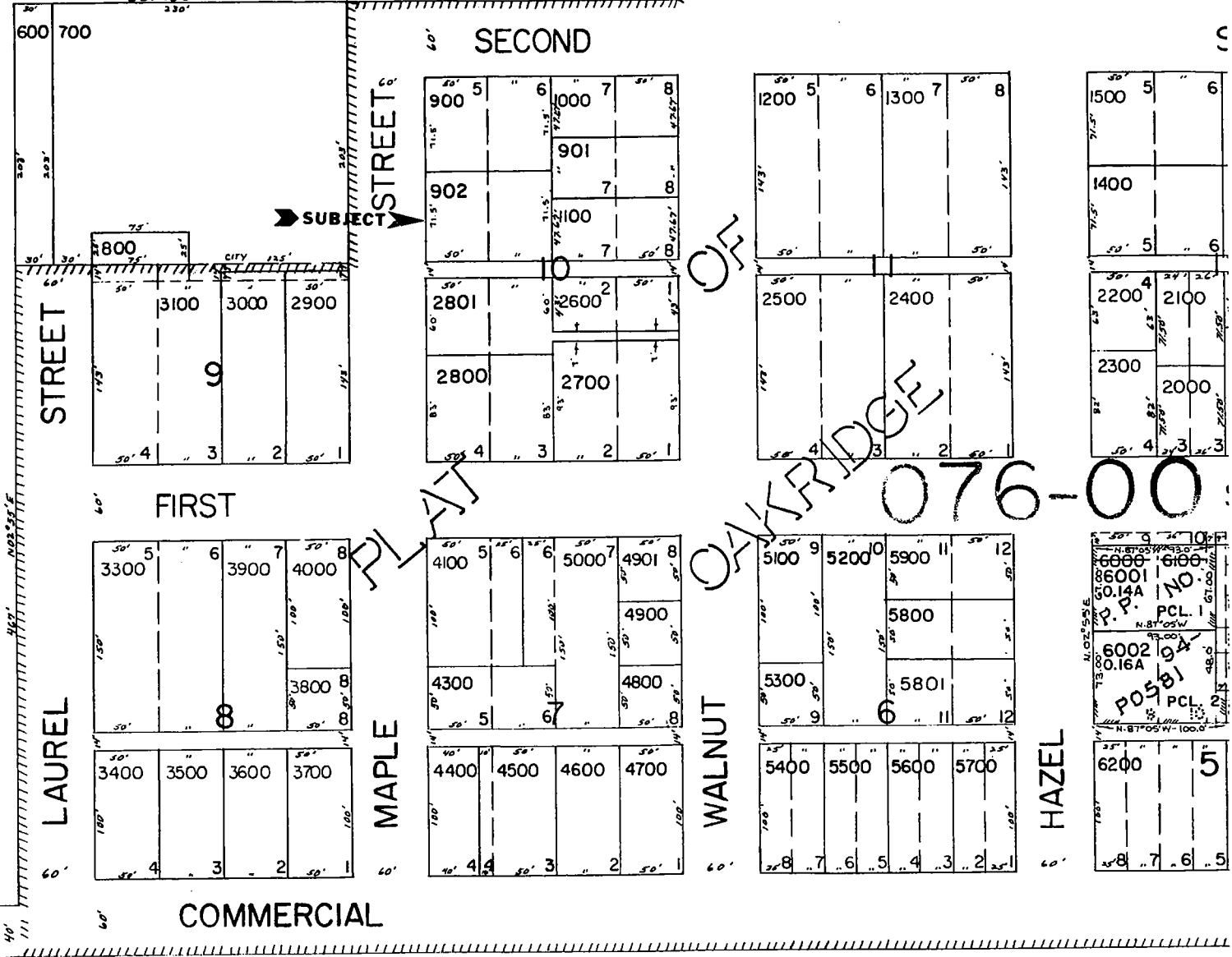
In CA:

P.O. Box 770

Bayside CA 95524

(707)407-8945

076-01



See Map 21 35 16 31