

W.7.b.

AGENDA COVER MEMORANDUM

Memorandum Date: February 10, 2010

Agenda Date: February 17, 2010

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 FOR \$11,500 TO RONALD S. PFAFF, FORMER OWNER OF RECORD (MAP #18-04-13-00-01100, 4820 BLANTON RD., EUGENE)

PROPOSED MOTION: THE BOARD MOVES TO AUTHORIZE THE SALE OF SURPLUS COUNTY OWNED REAL PROPERTY FOR \$11,500 TO RONALD S. PFAFF, FORMER OWNER OF RECORD (MAP #18-04-13-00-01100, 4820 BLANTON RD., EUGENE)

1. **AGENDA ITEM SUMMARY:**

The matter was initially presented to the Board at the February 3rd meeting. The Board tabled the matter wanting to first have a policy discussion concerning sales to the former owner – particularly when foreclosed upon for a second time - and to hear more detail particular to Mr. Pfaff's situation as to why he has continued to not pay property taxes. The policy discussion has been scheduled for the February 17th meeting.

A letter from Mr. Pfaff explaining his circumstances is attached.

Mr. Pfaff is the former owner of record of the subject property which was foreclosed upon by the County for non-payment of property taxes in October, 2009. Mr. Pfaff wishes to repurchase the property pursuant to ORS 275.180 and LM 21.425(4). The proposed purchase price is \$11,500. This represents all taxes, including those which would have been due for the current year had the property remained on the tax roll, interest and penalties that were owed on the property at the time the County acquired title as well as an additional 10% of that amount to cover Property Management expenses (this insures that the taxing districts will receive the full amount of taxes owed on the property).

The County previously foreclosed on Mr. Pfaff's property in September, 2002 and the Board authorized a sale back to him in November, 2002.

3. **BACKGROUND/IMPLICATIONS OF ACTION:**

A. Board Action and Other History

The subject property is .41 acre, zoned RR5 and is improved with a 900 sq. ft house built in 1945. The house is in poor condition. The market value of the property per the Assessor is \$150,000.

This is the second time within 7 years that Mr. Pfaff's property has been foreclosed upon for delinquent taxes. The Board previously authorized a sale back to Mr. Pfaff in November, 2002 pursuant to Order 02-11-26-6. The sale price was \$5,260. Mr. Pfaff has not paid any property taxes since the sale back to him in 2002.

B. Policy Issues

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.

Lane Manual does not address a situation where a property owner has been foreclosed upon multiple times.

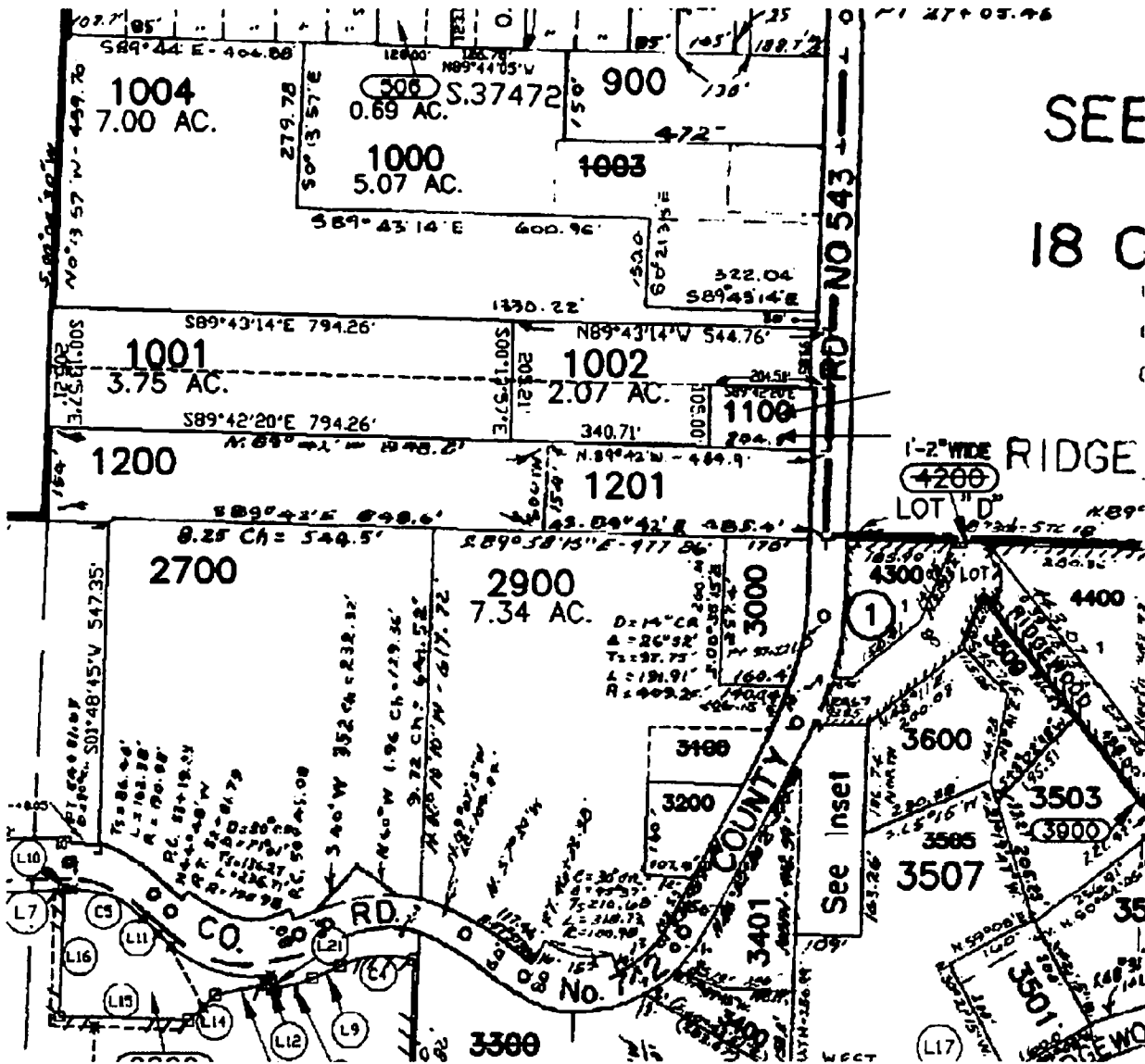
C. Board Goals

The sale of the property would be consistent with the Board's goals to return tax foreclosed property to the tax roll.

Financial and/or Resource Considerations

The \$11,500 purchase price includes taxes that would have been paid this year (the foreclosure removed the property from this year's tax roll) and an additional 10% above the statutorily required minimum to cover the county's cost for processing the sale.

After reimbursement to the County for costs associated with the management of foreclosed property, the remaining revenue from sales is disbursed to all the taxing districts in a manner similar to the disbursement of property taxes.



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Things started going bad with me when my dad died after many many heart attacks which I was there for most of them. I spent many nights ~~at~~ at the ICU waiting to see if he would live or die. ~~After~~ After that my uncle was diagnosed with cancer and after months in the hospital he passed away. At that time I told myself that I would not put my daughter thru that.

Soon after that I became divorced and did not have my daughter in my life. I would see my daughter one or two times a week, plus every other weekend with me. To do this I had to travel about 120 miles each time I went to see her. Between this cost and child support money was short but I had to do it for both me and her. During this time I became very depressed and started seeing a psychiatrist and was put on medication.

After that my mom was diagnosed with cancer, she went to treatment and good for about six months. But then she got worst and needed 24 hr. care, so I started staying at her house. My sister and brothers would stay with mom during the day when they could. I would stay with her all night and take care of all her needs, this was really hard.

SOME times there was nobody to be with mom during the day, so I would HAVE to take off work to do this which cost me alot. During this time my brother was KILLED AT WINCHESTER bay by a SNEAKER WAVE INSIDE the bar on a 65ft ~~boat~~ ^{boat} AND WAS NEVER found, I took this VERY hard as he WAS also my best friend.

My mom was getting sicker and sicker, she spent many nights at the hospital, I STAYED AT the hospital because she was in So much PAIN that she could only sleep for short PERIODS of time and she someone there when she WAS AWAKE. Again I was missing work because of lack of sleep.

Mom WAS sent home to die but that did Not happen for months and I was there the whole time, until the night she passed way with me holding her hand. I took this hard ~~because~~ because I WAS born on my moms birthday AND PASTED ON within days of our birthdays.

My depression got worst AND I WAS SEEING the psychiatrist more often AND TAKE more medications. I was going to work during the day but at night I stayed alone being A hermit. This ~~went~~ went on for a long time ONLY SEEING my daughter ONCE or TWICE A WEEK.

During that time my friends started coming around AND made me start going out AND going thing with them. They went to my daughters basketball games AND other things too.

I got better AND WAS TAKEN ~~off~~ off all my medications. At that time I was behind on my taxes so I got them took care of.

AFTER that my sister AND sister inlaw both got CANCER about the SAME time, my sister had hers removed AND LIVES to this day. my sister inlaw was not so lucky after months fighting the CANCER she died with me by her side.

Then I lost my job after 29 years at the company because it closed. I got another job but had to start at the bottom which was hard to do, I was still going to see my daughter AND paying my child support, money was short again.

Then I got a growth on my face that was the size of a golf ball, it ~~was~~ grew until it was twice that size. I had trouble seeing out of my right ~~eye~~ eye AND I thought I had CANCER. I did not what to go in for help because I thought it would just prolong it like a lot of my family had done

My brother then got CANCER but went in
AND had SURGERY, he also lives today, so
after YEARS of having this growth on my ~~face~~
face thinking I was dying I found out that
it was NOT CANCER and removed the growth.
I spent years thinking that I was dying AND
now I will be living.

My daughter got married and has kids, so now
I NEED to live more than ever. My life has got
A lot better and my new job has got a lot
better. I think that the company could make
it thru the last two years with just pay
cuts then the company will MAKE it.

But now I have deal with this, which I CAN,
but if it goes bad I will be homeless and
living on the streets of Eugene

Thank you

Ronald Pfaff 2-7-2010