

Written Testimony - Agenda Item 149/125

Agenda Item	Name or Organization	Position	Comments	Attachment	Created
125	Kevin McLain	Support	I live next door to 3735 SE Martins St. In October 2021, a neighbor pounded on my door and alerted me that a fire had broken out next door. The fire had reached the second floor, burst through the windows, and flames were within a few feet of our house's second story. Thankfully, the fire department responded quickly and put the fire out, saving our lives and our house. But the windows were left smashed, one of the ceilings collapsed, and the house has been exposed to the elements ever since, leading to mold, rats, and other continuing hazards. People still continue to wander in and out of the house, including vagrants, individuals storing unknown items in the garage, and most alarmingly children, even though it is very unsafe. This winter and even just a few days ago, neighbors have witnessed smoke coming from the roof and chimney. I'm very concerned a fire could break out again. This unsecured property is a danger to the entire neighborhood. Please take immediate action.	No	02/06/24 4:37 PM
125	Jeanette Kempe-Ware and Gordon Ware	Support	<p>My husband and I live at 3754 SE Woodstock Blvd. The large building behind our house at 3735 SE Martins, formerly an adult foster home, has been vacant for years ... at least pre-pandemic. It is severely derelict, unsafe and unhealthy.</p> <p>It has been a drug house and an illegal chop shop. It had a major fire, Oct. 18, 2021, just feet from our house, and has significant damage inside and out. The fence, which we don't own, is falling apart, and campers trespass my backyard on a regular basis to go through the fence to enter the structure. The property is filled with garbage, and we see and get headaches from the toxic smoke coming from the chimney.</p> <p>I am genuinely concerned for our personal health and safety, the safety of our house, and the health and safety of our neighbors and their children. I strongly support foreclosure of this nuisance structure. Thank you for including this important item on your agenda. I have attached photos of what I see from my house.</p>	Yes	02/06/24 11:20 PM
125	Toren Volkmann	Support	This property is a health and safety hazard to our community. From risk of fire, unauthorized trespassing and burning of toxic materials to proliferation of a rodent population, illegal activity has become increasingly unsafe and unhealthy for our community. There are multiple generations of individuals who don't feel safe in neighboring houses and along the pedestrian path that passes by this derelict house which connects Reed College, Eastmoreland and Woodstock neighbors. Please help us create a safer community by moving this property toward new, responsible ownership. Thanks!	No	02/07/24 12:18 AM
125	Scott Jasinski	Support	This property has been a nuisance to our neighborhood since 2020. There is sufficient evidence that this property is also a burden on our greater community, the city. Unnecessary public resources are being used to address the many issues this property has caused. In addition, my wife and I moved from a NE neighborhood down to the East Moreland neighborhood because we wanted a stronger sense of community. We've recently started a family and are very concerned about the suspicious activity that this property attracts. We also worry it'll burn the neighborhood down, as it almost did in Oct 19, 2021. Our elderly neighbor who lives to the north of the property has unwanted daily interactions with the people coming and going from that property through the neglected and failing fence. I worry that one of these people will harm this woman or one of her friends that regularly visit.	No	02/07/24 12:57 AM







Agenda Item	Name or Organization	Position	Comments	Attachment	Created
125	Property owner at 3734 SE Woodstock Blvd.	Support	<p>This property at 3735 SE Martins is a health and safety hazard. The owners have been absent for years, and therefore it has attracted squatters and other trespassers. There are many people going in and out of the house daily. The property is full of trash and has a broken fence that is adjacent to the property at 3754 SE Woodstock. The hole in this fence has become bigger and bigger, and random people are constantly trespassing on the 3754 Woodstock property in order to get into the house at 3735 SE Martins. The homeowners at 3754 Woodstock are an elder couple who constantly have to interact with people walking by the windows to their home, through their yard, and through their driveway right by their car. I especially worry for their physical safety.</p> <p>From our windows, you can clearly see the 3735 Martins property and dangerous activity occurring. It is obvious that trespassers in the vacant house burn hazardous materials, as there is often smoke coming from the chimney and very toxic and unhealthy air coming from the smoke. In October 2021, the house caught fire and nearly caught a neighboring house on fire. The fire department at the time warned that the property is a fire hazard and a risk to the entire neighborhood. There is still a burned hole in the roof of the house, allowing rain, mold, etc. into the building, as the owners have made no obvious attempts to repair or maintain the property. The property has a rat infestation that severely impacts neighboring properties, adding to the health risk. We can hear the sounds of yelling, fighting, and things being thrown coming from the house at random hours. We can hear what sounds like electric saws being used in the middle of the night. We can see the light from flashlights coming from inside the house in the middle of the night. Neighbors have seen people enter the house with children, which cannot be a safe or healthy place to bring a child. In fact, the state of this property is a danger specifically to any children in the neighborhood, especially for homeowners in the neighboring properties who have children. Overall, this property as it is poses severe safety and health dangers to the community.</p> <p>Attached please find two photos. One of the broken fence and someone trespassing from the vacant 3735 SE Martins property onto the 3754 SE Woodstock property. The second photo is of the burned roof of the derelict 3735 SE Martins property. Both photos were taken from my house.</p>	Yes	02/07/24 8:59 AM
125	Shawn Allison	Support	<p>Attached is additional documentation of communication the leinholder's mortgage servicer, Mr Cooper and the owner, Orvalee Ann Farris trust in 2022. Mr Cooper responded stating they would follow up on the matter. The Trust did not respond. No action has been taken by the lender or owner-trust to protect their interests in the property. I ask you to move forward to foreclose without consideration of any party who may claim an interest in the property.</p>	Yes	02/07/24 11:18 AM





Lovena Flaherty, Successor Trustee
Orvalee Ann Farris Revocable Living Trust
March 4, 2022
Page 2 of 2

REEVES, KAHN, HENNESSY & ELKINS

GARY K. KAHN (RETIRED)
MARTIN W. REEVES (RETIRED)
H. PHILIP EDER (1927-2004)
KATHRYN BOURN
TIFFANY A. ELKINS*
J. MICHAEL HARRIS
PEGGY HENNESSY*

ATTORNEYS · AT · LAW

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March 4, 2022

Lovena Flaherty, Successor Trustee
Orvalee Ann Farris Revocable Living Trust
475 W. Fourth St.
Coquille, OR 97423-1105

RE: 3735 SE Martins St., Portland, Oregon

Dear Ms. Flaherty:

I represent Shawn Allison and Kevin McLain, who own the home at 3725 SE Martins, Portland, Oregon, next door to the real property owned by the Orvalee Ann Farris Revocable Living Trust. I am writing to you based on my understanding that you are the successor trustee of the Trust.

Following a fire in October 2021 set by homeless persons who had been squatting on the property, smoke, ash, debris, and toxic fumes from the Trust Property entered onto the Allison-McLain property. After the gates at the Trust Property were bolted shut, Trespassers have forced their way around the gate, causing the Allison-McLain fence to lean. Mr. Allison reports that the house roof of the Trust Property is still open to the elements, allowing black mold to develop inside the structure. Your neighbors are concerned that the health risks associated with mold and toxic fumes only will increase as the weather heats up and they spend time outdoors.

People have continued to attempt to break into the house as recently as this week. Given the past fire due to squatters, the fact that this abandoned property continues to attract criminals creates a significant concern.

The Trust Property has become a nuisance. Mr. Allison and Mr. McLain believe that the only reasonable way to remedy the situation, given the condition of the Trust Property, is to demolish the structures. Please promptly communicate with us ***no later than March 21, 2022***, about the specific plans for addressing the Trust Property so that we can avoid other legal action.

This letter is sent to you directly based on my belief that you are not represented by an

Lovena Flaherty, Successor Trustee
Orvalee Ann Farris Revocable Living Trust
March 4, 2022
Page 2 of 2

attorney. If you do have an attorney, please forward this letter to your attorney and let me know the name and contact information for your attorney so that I can communicate with them directly.

Issues affecting real estate are serious legal matters. Since I represent Mr. Allison and Mr. McLain, I cannot give you any legal advice. If you have questions about your responsibility as trustee of a trust that owns abandoned real property, you should contact an attorney of your own. If you do not have an attorney in mind, you can contact the Oregon State Bar Lawyer Referral Service at (503) 684-3763. The LRS will provide you a referral to an attorney who has agreed to provide a half-hour consultation for \$35.

I look forward to your prompt response. Please communicate with me in writing to avoid misunderstandings. My email address is kathryn@rke-law.com.

Sincerely,

REEVES, KAHN, HENNESSY & ELKINS

Kathryn Bourn

Kathryn Bourn

KDB/

Cc: Shawn Allison and Kevin McLain



169 1 SP 0.580 T1 P0 AUTO 435500.1-NNNNNN-39435091

Shawn Wayne Allison
3725 Southeast Martins Street
Portland, OR 97202

July 6, 2022

ACCOUNT INFO
CASE NUMBER: 0004898735
MORTGAGOR(S):
Estate Of Orva A Farris

Dear Shawn Wayne Allison:

We received your correspondence on June 29, 2022, regarding the above-referenced loan. We thank you for bringing this matter to our attention. We take all matters seriously and are in the process of reviewing your concerns.

A response will be provided no later than August 10, 2022.

Please note that during the investigation and resolution of your inquiry, written correspondence, such as billing statements and mandatory pre-foreclosure notes, may continue.

If you have any questions, please contact us via one of the following methods.

Mr. Cooper
Customer Relations
PO Box 619098
Dallas, TX 75261-9741
phone: 877-783-7480
facsimile: 972-315-8637
email: customerrelationsofficer@mrcooper.com

Our hours of operation are Monday through Friday from 8 a.m. to 5 p.m. (CT). Visit us on the web at www.mrcooper.com for more information.

Sincerely,

Mr. Cooper
Customer Relations



Shawn Wayne Allison
3725 Southeast Martins Street
Portland, Oregon 97202

June 25, 2022

Kurt Johnson, Chief Risk and Compliance Officer
Mr. Cooper Group Inc.
8950 Cypress Waters Boulevard
Coppell, TX 75019

RE: Abatement of property hazards

Dear Mr. Johnson,

This letter is regarding property listed below, for which Nationstar dba Mr. Cooper is responsible, according to Oregon's Multnomah County records and the statements of the registered responsible party, Structural Foundations, Inc. (see attached Corporate Assignment of Deed of Trust of 4/15/2015, for additional reference):

3735 SE Martins St, Portland Oregon

Lots 'W' and 'X', Block 2, Subdivision of Rob Roy Addition to Portland, City of Portland, County of Multnomah, and State of Oregon

The above-referenced property is adjacent to my home and has been distressed since early 2020. The property has been the subject of multiple nuisance complaints and code violations. A fire at the property threatened my family and resulted in the serious injury of an employee of Portland Fire. Since the fire in October 2021, the roof has been open to the elements. A subcontractor of your property manager was quoted as saying, "the third floor is falling into the second floor; the floor gives way when you walk on it, from water damage; and there's black mold all over." The toxins from the fire and resulting water damage, are free to escape into the air, all within 20 feet of my home.

On October 21, 2021 and January 6, 2022, I notified Structural Foundations of the unsecured nature of the building. They said they would secure it; nothing has been done.

Building entrances also remain open— attracting many individuals who could suffer serious damage while inside the structure, including adolescents and an elderly woman who walks with a cane, who has taken a child inside with her (photos attached). Should Police or Fire officers need to respond to an incident and enter the structure, it presents many hazards to them as noted above.

Landscapers have not been present at the property in months. Garbage is collecting on the grounds and blowing through the neighborhood. Vegetation is growing into the neighboring properties, including my own.

The nuisance and risk to my family have grown over time. Your property's decrepit state, health and safety risks, and the crime it attracts are impacting the value (and enjoyment) of my home. Furthermore, these same issues pose a liability for Mr. Cooper Group and its shareholders.

I request that you immediately take steps to mitigate these issues and demolish the building that is now uninhabitable. Securing the structure alone is not satisfactory, as it will fail to mitigate the health and safety issues. In fact, secured distressed properties present greater fire dangers— as we have seen recently in the news here in the Portland area and across the country.

Please respond as soon as possible to detail your plans to address the escalating problems presented by this property.

Regards,

Shawn W. Allison

Encl

cc Orvalee Ann Farris Trust
Structural Foundations, Inc.
City of Portland Oregon
Kathryn Bourn, Esq.

Portland City Council Meeting - Wednesday, February 7, 2024 9:30 a.m.

Agenda Item	First Name	Last Name
125-1	Jane	Monson
125-2	Shawn	Allison