



MULTNOMAH COUNTY OREGON

Division of Assessment & Taxation
501 SE Hawthorne #158
Portland OR 97214
Recording Section (503) 988-3034

Multnomah County Official Records
C Swick, Deputy Clerk

2009-017120



\$86.00

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~~EXHIBIT "B"~~

AGREEMENT TO CONVEY PROPERTY
IN LIEU OF FORECLOSURE

Fidelity National Title of Oregon

WHEREAS, Alice May Campbell and Donald Robert Campbell (the "Campbells") are the owners in fee simple of certain real property legally described as:

Lots 13 and 14, Block "E", according to the duly filed plat of ST. CLOUD HEIGHTS ADDITION, in the City of Portland, filed September 7, 1911 in Plat Book 562, Pages 51-52, Records of the County of Multnomah and State of Oregon; commonly known as 7115 N. Lombard Street, Portland, OR 97203 (the "Property");

and,

WHEREAS, Donald Robert Campbell is a financial incapacitated individual, and Alice May Campbell is his duly appointed conservator in Multnomah County Circuit Court No. 950690984, as shown by the Letters of Conservatorship attached hereto as Exhibit A and by this reference incorporated herein; and,

WHEREAS, the City of Portland claims an interest in the Property by virtue of certain liens and warrants against said property, as shown more particularly by Exceptions No. 12 through 49 on the Preliminary Title Report attached hereto as Exhibit B and by this reference incorporated herein; and,

WHEREAS, the Campbells dispute the validity and amount of the City's claims of liens; and,

WHEREAS, the City of Portland has stated its intention to initiate foreclosure proceedings against the Property on account of said liens; and,

WHEREAS, the City of Portland and Alice M. Campbell and Donald R. Campbell through his duly conservator desire hereby to fully and finally compromise all claims between and among them relating to the Property, on the terms and conditions hereinafter set forth;

NOW, THEREFORE, in consideration of the mutual covenants contained herein and for other good and valuable consideration, receipt and sufficiency of which is acknowledged by each party hereto, the City of Portland and Alice May Campbell and Donald Robert Campbell, through his duly appointed conservator, do hereby agree as follows:

1. The Campbells continue to deny liability to the City on account of its claims of lien referenced herein;
2. The Campbells agree to deed the Property to the City of Portland by

Return to
City of Portland
1120 SW 5th Ave # 1204
Portland OR 97204

~~EXHIBIT "B"~~

deeds in substantial conformance with the deeds approved by City Council ordinance in lieu of the City's initiating foreclosure proceedings on the property;

- 3. The City agrees to accept said deeds in full, final and complete satisfaction of any and all claims it has against the Campbells on account of liens against or arising from the Property; and
- 4. The Campbells, and their heirs, successors and assigns, agree not to bring any claims, actions or proceedings against the City arising out of the liens on the Property.

This agreement is limited to any claims of the City against the Campbells relating to the Property at 7115 N. Lombard Street, Portland, Oregon, only and does not affect any claims, actions or proceedings of the City against the Campbells or any other properties owned in whole or in part by the Campbells elsewhere in the City of Portland.

This agreement is effective upon recordation of the deeds for the property, as described in Section 2 of this agreement, with the Multnomah County Recorder.

DATED this 29 day of Jan., 2009.

Alice May Campbell

Alice May Campbell, Individually

Alice May Campbell

Alice May Campbell, Conservator for
Donald Robert Campbell

CITY OF PORTLAND, OREGON

Gary Blackmer
By GARY BLACKMER, Authorized
Representative

APPROVED AS TO FORM:

APPROVED AS TO FORM

Robin King
City Attorney
CITY ATTORNEY

STATE OF OREGON
County of Multnomah

LETTERS OF CONSERVATORSHIP

Case Number: 950690984

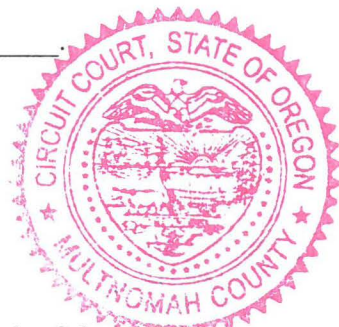
BY THESE LETTERS OF CONSERVATORSHIP, be informed:

That on the 24TH day of APRIL, 2007, the Circuit Court, Multnomah County, State of Oregon, appointed ALICE MAY CAMPBELL as the Conservator of the Estate of DONALD ROBERT CAMPBELL and that the named Conservator has qualified and has the authority and duties of Conservator of the estate of the named protected person as provided by law.

LIMITATIONS: Per the Court's Order (s) dated: 4-24-07

IN TESTIMONY WHEREOF, I have subscribed my name and affixed the seal of the Court at my office on this JUN 7 - 2007.

(Seal)



Douglas M. Bray, Clerk of the Court

By: P. Wilson

Deputy

EXHIBIT A
PAGE 1 OF 1

ORDINANCE No.

Authorize settlement agreement and acceptance of deeds to property located at 7115 N. Lombard St. currently owned by Donald R. Campbell and Alice M. Campbell
(Ordinance)

The City of Portland ordains:

Section 1. The Council Finds:

1. On January 23, 2003, the Council adopted Ordinance No. 177246, amending Chapter 5.30 to improve delinquent lien collection and foreclosure procedures.
2. To implement its programs and to assure compliance with City Code, the Bureau of Development Services has the authority to place liens against properties that do not comply with City Code. The Auditor's Office initiates the foreclosure process after collection efforts by the Revenue Bureau have been exhausted.
3. As of November 26, 2008, the property located at 7115 N. Lombard St. (the "Property") is encumbered by 39 Bureau of Development Services liens in the amount of \$340,038.23. The owners of the Property are Donald R. Campbell and Alice M. Campbell. Donald R. Campbell is a financial incapacitated individual, and Alice M. Campbell is his duly appointed conservator in Multnomah County Circuit Court No. 950690984.
 - a. Exhibit A is the City Lien Report with the amount owed to the City.
4. The City claims an interest in the Property by virtue of these liens as shown in the City lien docket and as detailed in Exhibit A. The Campbells dispute the validity and amount of the City's claims of liens. The Auditor's Office had initiated foreclosure proceedings against the Property; however, because the amount of the liens likely exceeds the value of the Property, the property owners have agreed to deed the Property to the City in lieu of foreclosure.
 - a. Exhibit B is the Agreement to Convey Property in Lieu of Foreclosure.
 - b. Exhibit C is the Fiduciary's Deed
 - c. Exhibit D is the Bargain and Sale Deed

5. The City and Alice M. Campbell and Donald R. Campbell, through his duly appointed conservator, desire hereby to fully and finally compromise all claims between and among them relating to the Property.
6. The Property is vacant and is not needed for public use. After transfer, the Property will be sold by the Office of Management and Finance as surplus land. Proceeds from the sale will be used to satisfy outstanding liens and to reimburse the Bureau of Development Services for any additional costs incurred.
7. The Auditor's Office, in conjunction with the City Attorney's Office and Office of Management and Finance, is taking appropriate steps to facilitate the transfer of ownership of the Property to the City.

NOW, THEREFORE, the Council directs:

- a. The Auditor, or his designee, is authorized to execute an Agreement to Convey Property in Lieu of Foreclosure in a form substantially in accordance with the agreement attached as Exhibit B.
- b. The City, through the Office of Management and Finance, to accept deeds transferring ownership of the Property located at 7115 N. Lombard to the City in a form substantially in accordance with the deeds attached as Exhibit C.
- c. Because the Property at 7115 N. Lombard is not needed for public use, the Office of Management and Finance is directed to sell the Property in accordance with City policy after the Property is conveyed to the City.
- d. The Office of Management and Finance is authorized to make expenditures related to the Property, including, but not limited to, paying property taxes in arrears, obtaining title and property insurance and paying closing costs associated with accepting and selling the property.

Passed by the Council:

Portland

Prepared by:
Diane Betcher:mm
November 21, 2008

GARY BLACKMER
Auditor of the City of

By

Deputy

Alice May Campbell, conservator for
Donald Robert Campbell, a protected person.
5340 SE Taylor St.
Portland, OR 97215
Grantor's Name and Address

City of Portland Oregon
1221 SW 4th Ave.
Portland, OR 97204
Grantee's Name and Address

After recording, return to:

City of Portland
1221 SW 4th Ave.
Portland, OR 97204

**Until requested otherwise, send
all tax statements to:**

City of Portland
1221 SW 4th Ave.
Portland, OR 97204

FIDUCIARY'S DEED

THIS INDENTURE dated, ²⁰⁰⁹ JAN. 29 2008, by and between Alice May Campbell, the duly appointed, qualified and acting conservator of the grantor, Donald Robert Campbell, a protected person, hereinafter called the first party, and City of Portland, Oregon, the grantee, hereinafter called the second party; WITNESSETH:

For value received and the consideration hereinafter stated, the first party has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the second party and second party's heirs, successors and assigns all the estate, right and interest of the protected person in that certain real property situated in the County of Multnomah, State of Oregon, described as follows, to-wit:

Lots 13 and 14, Block "E", according to the duly filed plat of ST. CLOUD HEIGHTS ADDITION, in the City of Portland, filed September 7, 1911 in Plat Book 562, Pages 51-52, Records of the County of Multnomah and State of Oregon, commonly known as 7115 N. Lombard Street, Portland, Oregon 97203.

(herein "the Property"), together with any interest therein which the first party may there after acquire.

EXHIBIT "C"

TO HAVE AND TO HOLD the same unto the second party and second party's heirs, successors-in-interest and assigns forever.

The true and actual consideration paid for this transfer is the second party's agreement not to pursue foreclosure of the second party's liens against the Property.

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the first party has executed this instrument on JAN. 29, 2008; if first party is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

Alice May Campbell
Alice May Campbell
Conservator for Donald Robert Campbell,
a protected person

STATE OF OREGON)
)ss:
County of Multnomah)

On JAN. 29, 2009, the forgoing instrument was acknowledged before me by Alice May Campbell, Conservator of Donald Robert Campbell, a protected person.

Jamell P. Sande
Notary Public for Oregon

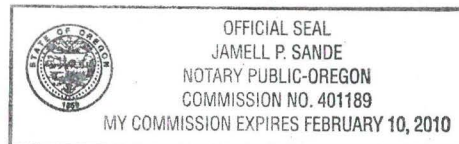


EXHIBIT "D"

Alice May Campbell
5340 SE Taylor St.
Portland, OR 9721 5
Grantor's Name and Address

City of Portland Oregon
1221 SW 4th Ave.
Portland, OR 97204
Grantee's Name and Address

After recording, return to:

City of Portland
1221 SW 4th Ave.
Portland, OR 97204

**Until requested otherwise, send
all tax statements to:**

City of Portland
1221 SW 4th Ave.
Portland, OR 97204

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS that Alice May Campbell, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto City of Portland, Oregon, hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of grantor's right, title and interest in that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Multnomah County, State of Oregon, described as follows, to-wit:

Lots 13 and 14, Block "E", according to the duly filed plat of ST. CLOUD HEIGHTS ADDITION, in the City of Portland, filed September 7, 1911 in Plat Book 562, Pages 51-52, Records of the County of Multnomah and State of Oregon, commonly known as 7115 N. Lombard Street, Portland, Oregon 97203.

(herein "the Property"), together with any interest therein which the first party may there after acquire.

TO HAVE AND TO HOLD the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer is the grantee's agreement not to pursue foreclosure of the grantee's liens against the Property.

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

²⁰⁰⁹ IN WITNESS WHEREOF, the grantor has executed this instrument on JAN. 29 2008; if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO II, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO II, CHAPTER 424, OREGON LAWS 2007.

Alice May Campbell
Alice May Campbell

STATE OF OREGON)
)ss:
County of Multnomah)

On ²⁰⁰⁹ JAN. 29, 2008, the forgoing instrument was acknowledged before me by Alice May Campbell.

Jamell P. Sande
Notary Public for Oregon

