

**REPORT TO COUNCIL  
Foreclosure List 2019 - 01**

**EXHIBIT A**

May 1, 2019

Property Owner	Tax Roll Description	Property Address	Lien Acct	Amount Owed	Tax Acct	Assessment Date	Delinquency Date	Property Type	Lien Type	No. Liens
1 PENNY M LIVINGSTONE & TRYGVE FOTLAND	LINCOLN PK ANX; BLOCK 2; W 33 1/3' OF E 66 2/3' OF LOT 7	529 NE SKIDMORE ST	108243	\$10,693.87	R497300270	4/18/1996	5/19/1996	RESIDENTIAL IMPROVED	CODE ENFORCEMENT	8
			154588	\$3,618.98	R497300270	2/10/2014	3/11/2014	RESIDENCIAL IMPROVED	NUISANCE- GF INVOICE	
			158553	\$3,180.32	R497300270	3/10/2016	4/11/2015	RESIDENCIAL IMPROVED	NUISANCE- GF INVOICE	
			158943	\$2,866.63	R497300270	5/10/2016	6/11/2016	RESIDENCIAL IMPROVED	NUISANCE- GF INVOICE	
			159977	\$1,002.96	R497300270	12/10/2016	1/11/2017	RESIDENCIAL IMPROVED	CHRONIC OFFENDER	
			161036	\$1,104.20	R497300270	6/10/2017	7/11/2017	RESIDENCIAL IMPROVED	NUISANCE W/O INSPECT	
			164714	\$6,077.49	R497300270	4/18/2018	5/19/2018	RESIDENCIAL IMPROVED	CODE ENFORCEMENT	
			166084	\$1,666.14	R497300270	1/10/2019	2/15/2019	RESIDENCIAL IMPROVED	NUISANCE- GF INVOICE	
			<b>TOTAL</b>	<b>\$30,210.59</b>						
2 PENNY M LIVINGSTONE & TRYGVE FOTLAND	LINCOLN PK ANX; BLOCK 2; E 33 1/3' OF LOT 7	537 NE SKIDMORE ST	124105	\$9,430.75	R497300280	10/18/1999	11/19/1999	RESIDENTIAL IMPROVED	CODE ENFORCEMENT	10
			154589	\$3,991.81	R497300280	2/10/2014	3/11/2014	RESIDENTIAL IMPROVED	NUISANCE- GF INVOICE	
			157371	\$3,295.03	R497300280	7/10/2015	8/11/2015	RESIDENTIAL IMPROVED	NUISANCE-GF INVOICE	
			158554	\$3,341.90	R497300280	3/10/2016	4/11/2016	RESIDENTIAL IMPROVED	NUISANCE-GF INVOICE	
			160200	\$15,727.81	R497300280	1/18/2017	2/19/2017	RESIDENTIAL IMPROVED	CODE ENFORCEMENT	
			160606	\$19,077.02	R497300280	4/18/2017	5/19/2017	RESIDENTIAL IMPROVED	CODE ENFORCEMENT	
			162597	\$586.68	R497300280	9/18/2017	10/19/2017	RESIDENTIAL IMPROVED	CODE ENFORCEMENT	
			162874	\$2,492.54	R497300280	11/28/2017	12/29/2017	RESIDENTIAL IMPROVED	CODE VIOLATION	
			163405	\$1,127.40	R497300280	2/28/2018	3/29/2018	RESIDENTIAL IMPROVED	CODE VIOLATION	
			164730	\$2,325.25	R497300280	4/28/2018	8/29/2018	RESIDENTIAL IMPROVED	CODE VIOLATION	
			<b>TOTAL</b>	<b>\$61,396.19</b>						
3 PENNY M LIVINGSTONE & TRYGVE FOTLAND	ROSEDALE & ANX; BLOCK 2; LOT 3	5034 NE GRAND AVE	154383	\$48,396.40	R724500190	12/18/2013	1/19/2014	RESIDENTIAL IMPROVED	CODE ENFORCEMENT	8
			160595	\$793.34	R724500190	4/10/2017	5/11/2017	RESIDENTIAL IMPROVED	NUISANCE W/O INSPECT	
			160608	\$19,077.02	R724500190	4/18/2017	5/19/2017	RESIDENTIAL IMPROVED	CODE ENFORCEMENT	
			162594	\$586.68	R724500190	9/18/2017	10/19/2017	RESIDENTIAL IMPROVED	CODE ENFORCEMENT	
			163406	\$1,311.90	R724500190	2/28/2018	3/29/2017	RESIDENTIAL IMPROVED	CODE VIOLATION	
			163407	\$2,409.37	R724500190	2/28/2018	3/29/2018	RESIDENTIAL IMPROVED	CODE VIOLATION	
			164731	\$4,557.42	R724500190	4/28/2018	5/29/2018	RESIDENTIAL IMPROVED	CODE VIOLATION	
			165957	\$2,717.73	R724500190	12/10/2018	1/11/2019	RESIDENTIAL IMPROVED	NUISANCE-GF INVOICE	
			<b>TOTAL</b>	<b>\$79,849.86</b>						
4 MEADOWS 132 LLC	NORTH IRVINGTON, BLOCK 21, LOT 4 TL 14700	4146 NE 14TH AVE	162327	\$10,992.88	R611503510	8/1/2017	9/2/2017	RESIDENTIAL IMPROVED	CODE ENFORCEMENT	3
			165018	\$4,697.61	R611503510	6/10/2018	7/11/2018	RESIDENTIAL IMPROVED	NUISANCE-GF INVOICE	
			165873	\$601.23	R611503510	11/18/2018	12/19/2018	RESIDENTIAL IMPROVED	CODE ENFORCEMENT	
			<b>TOTAL</b>	<b>\$16,291.72</b>						

**REPORT TO COUNCIL**  
**Foreclosure List 2019 - 01**

**EXHIBIT A**

May 1, 2019

Property Owner	Tax Roll Description	Property Address	Lien Acct	Amount Owed	Tax Acct	Assessment Date	Delinquency Date	Property Type	Lien Type	No. Liens
5 MARGARET J BOGART	WELLESLEY; BLOCK 18; LOT 15&16	7405 - 7415 NE FREMONT ST	152795	\$4,070.40	R890804880	12/10/2012	1/11/2013	RESIDENTIAL IMPROVED	NUISANCE- GF INVOICE	13
			154599	\$4,797.72	R890804880	2/10/2014	3/11/2014	RESIDENTIAL IMPROVED	NUISANCE- GF INVOICE	
			156428	\$4,009.37	R890804880	1/10/2015	2/11/2015	RESIDENTIAL IMPROVED	NUISANCE- GF INVOICE	
			156485	\$36,511.66	R890804880	1/18/2015	2/19/2015	RESIDENTIAL IMPROVED	CODE ENFORCEMENT	
			157978	\$3,812.16	R890804880	12/10/2015	1/11/2016	RESIDENTIAL IMPROVED	NUISANCE- GF INVOICE	
			159265	\$1,060.73	R890804880	7/10/2016	8/10/2016	RESIDENTIAL IMPROVED	CHRONIC OFFENDER	
			159512	\$6,525.14	R890804880	9/10/2016	10/11/2016	RESIDENTIAL IMPROVED	NUISANCE- GF INVOICE	
			159676	\$1,918.35	R890804880	10/10/2016	11/11/2016	RESIDENTIAL IMPROVED	CHRONIC OFFENDER	
			160769	\$1,889.78	R890804880	7/13/2017	8/13/2017	RESIDENTIAL IMPROVED	SIDEWALK REPAIR	
			160812	\$1,783.09	R890804880	5/10/2017	6/10/2017	RESIDENTIAL IMPROVED	CHRONIC OFFENDER	
			162366	\$4,458.21	R890804880	8/10/2017	9/11/2017	RESIDENTIAL IMPROVED	NUISANCE- GF INVOICE	
			164525	\$988.59	R890804880	3/10/2018	4/11/2018	RESIDENTIAL IMPROVED	NUISANCE W/O INSPECT	
			165817	\$12,631.44	R890804880	12/10/2018	1/11/2019	RESIDENTIAL IMPROVED	NUISANCE- GF INVOICE	
			TOTAL			\$84,456.64				
TOTAL AMOUNT OWED AS OF MAY 01, 2019										
NUMBER OF PROPERTIES										
TOTAL NUMBER OF LIENS										



**CITY OF PORTLAND**  
 OFFICE OF MANAGEMENT AND FINANCE  
 BUREAU OF REVENUE AND FINANCIAL SERVICES

**Ted Wheeler, Mayor**  
**Tom Rinehart, Chief Administrative Officer**  
**Jennifer Cooperman, Chief Financial Officer**

**Revenue Division**  
**Thomas W. Lannom, Director**  
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## Foreclosure Recommendation Report

### 529 NE SKIDMORE ST

The Revenue Division recommends foreclosure on 529 NE Skidmore St. for delinquent City liens. The lien accounts meet delinquency requirements for foreclosure and no mitigating factors were discovered that would prevent foreclosure or indicate that an adjustment of the lien amount is in order.

#### Summary Information

<b>Site Address:</b>	529 NE Skidmore St.
<b>Recorded Property Owner:</b>	Trygve Fotland & Penny M Livingstone
<b>Property ID:</b>	R497300270 – R207234
<b>Lien Account Numbers:</b>	108243, 154588, 158553, 158943, 159977, 161036, 164714 and 166084
<b>Type of Liens:</b>	Nuisance- GF Invoice and Code Enforcement Fees and Code Violation
<b>Use of Property:</b>	Single Family Dwelling, currently unoccupied
<b>Amount of Delinquent Lien:</b>	<b>\$30,210.59</b>
<b>Payoff Amount Recommended:</b>	<b>\$30,210.59 as of April 12, 2019.</b>

#### General Information

This property is included on the list of "Distressed Vacant Properties" provided by the Bureau of Development Services (Development Services) and identified as priority for foreclosure. Development Services and the Portland Police Bureau (Police Bureau) have expressed concerns that these properties are nuisances to the neighborhoods where they are located. In many instances, the Police Bureau is frequently called to disturbances at these properties. Neighbors complain that many of these properties are inhabited by unlawful occupants and there are commonly drug activities taking place, which jeopardizes the public health, safety, and welfare of the neighborhood.

The majority of these properties are investment properties owned by financial institutions or absent owners who have no vested interest in the neighborhood effects such distressed properties have on the community. They are demonstrated hazards and magnets for crime. For these reasons, the Revenue Division's recommendations for these distressed properties are concise and generally maintain the amount owed as is with no recommended reduction in lien amount, except in cases where mitigating circumstances point toward improved property owner compliance with a reduced lien amount.

### ***Violation History***

This is an investment property whose owners have a long history of unresponsiveness and lack of compliance with City Code. Currently, the property owners have seven properties that are not in compliance with City Code and one of the properties has been previously foreclosed by the City. In the past, the property owners sold and rehabilitated a few properties; however, they have had difficulties managing their properties.

Development Services and the Revenue Division have made many attempts to persuade the property owners to bring their property into compliance with City Code, but our efforts have not been successful.

On January 25, 1996, Development Services received a complaint of broken windows, missing shingles from the roof, and that the property was allegedly being used as a drug house.

On February 9, 1996, a City inspector inspected the property and on February 22, 1996, a "Notice of Maintenance Code Violations" with the list of violations encountered by the inspector was mailed to the property owners. A number of inspections were made between 1996 and 2012; corrections to code violations did not occur and payments towards delinquent City liens were not made.

Between October 23, 1997 and March 10, 2003, there were eight nuisance liens placed against the property by the City of Portland. In March 2012, the property owner contacted Development Services requesting a review of the liens. On March 28, 2012, Development Services presented the property owners with a proposal that included a substantial reduction of the amount owed. The proposal was accepted by the property owners. All nuisances were abated, and the amounts owed to the City were paid off by the property owners on May 3, 2012.

Based on emails between a third party and Development Services, it appeared that the property owners were in discussions with the third party who had an interest in purchasing this property. It can be considered that the potential sale of the property was a motivating factor for the abatements and payment of the delinquent City liens.

However, after over 15 months of compliance with City Code, the trend of non-compliance re-initiated on August 1, 2013, when the City received a complaint about the conditions of the property. Between August of 2013 and November 30, 2015, Development Services abated three nuisances in the property. The property was also occasionally open to entry and unlawfully occupied.

On December 10, 2016, the property was determined by Development Services to be a "Chronic Offender" and Lien No. 159977 was assessed against the property. According to the definition of Title 29.70.040 of City Code, a Chronic Offender is any person whose property has accumulated, within any 12-month period, multiple violations under Title 29 which have a negative impact on the public health or welfare and cause repeated inspections and enforcement efforts by Development Services.

On December 8, 2017, another complaint was received against the property. The complainant was concerned that there was possible unlawful occupation of the property and there were additional windows broken. The property had also been without utility services for some time.

On January 18, 2018, an inspector evaluated the property from the exterior and posted the property for occupation without utility services. The inspector contacted the utilities and verified that there were no



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utility services to the property. On February 9, 2018, the inspector mailed to the property owner a "Notice of Violation-Property Maintenance Code" with a list of eight violations; four of them included Fire Life Safety Violations and a Health Sanitation Violation. The notification provided the property owner 30 days to resolve the most hazardous violations and 60 days to resolve the other violations.

On August 28, 2018, the inspector went back to re-inspect the property and there was no change.

The inspector went back to the property four more times; the last inspection on January 29, 2019. The inspector observed that the dwelling was open to entry, the front door lock had been removed and an individual was sitting on a couch. The inspector asked the individual if he could take a picture from the porch and the individual agreed. The inspector noticed additional violations of City Code and the property continued to be without utility services.

On February 5, 2019, the inspector sent a notification to the property owners stating that the City would file a complaint with the City's Code Hearings Officer and explained the consequences and costs to the property owner. On February 14, 2019, the inspector initiated preparation of a Hearings packet for submission to the Hearings office to seek relief. On March 6, 2019, the inspector filed a complaint with the Code Hearings Officer.

To date, the property owners continue to be unresponsive, the property continues to be a nuisance to the neighborhood, and Development Services continues to use its resources to minimize the negative effects that this property has created for the community.

### ***Police Involvement***

From May 10, 2011 through August 20, 2018, police reports show that there have been 3 calls for service to this address. All calls were Disorder calls and were dispatched.

Outside of the listed address, 134 other non-traffic calls for service were made within 200 feet of the property. Calls within the most common call group (Disorder) were related to a variety of issues, the most common being Disturbances (24).

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189474***Lien Details***

There are eight liens placed by the City against the property.

Lien No.	Asmt. Date	Principal	Interest	Penalty	Cost	Total
108243	04/18/1996	7,060.52	3,040.40	405.95	187.00	\$10,693.87
154588	02/10/2014	1,897.78	1,158.54	279.66	283.00	\$3,618.98
158553	03/10/2016	2,088.00	751.62	182.70	158.00	\$3,180.32
158943	05/10/2016	1,908.49	648.73	157.41	152.00	\$2,866.63
159977	12/10/2016	654.50	176.46	41.00	131.00	\$1,002.96
161036	06/10/2017	786.50	165.30	39.40	113.00	\$1,104.20
164714	04/18/2018	5,654.00	312.75	77.74	33.00	\$6,077.49
166084	01/10/2019	1,628.55	31.59	0.00	6.00	\$1,666.14
<b>Total</b>		<b>\$21,678.45</b>	<b>\$6,285.38</b>	<b>\$1,183.86</b>	<b>\$1,063.00</b>	<b>\$30,210.59</b>
<b>The amounts owed reflected in the table are as of April 12, 2019</b>						

***Ownership/Interest***

According to Multnomah County records, the property is recorded under the names of **FOTLAND, TRYGVE & LIVINGSTONE, PENNY M.** since November 1, 1992.

***Communication with Owner***

From April 4, 1996 through March 21, 2019, the City has mailed 73 notifications and 237 monthly billing statements to the property owners. In addition, there were several phone calls attempting to contact the property owners.

Between January 16-19 and April 8, the City of Portland mailed four Notices of Pending Foreclosure action to the property owners. The notices were mailed first-class and as certified mail with return-receipts required.

***Evaluation Criteria***

City Code 5.30.060 states that "the Revenue Division may evaluate individual delinquent open liens to develop recommendations on revising the payment amount of the lien and the payment terms."

Recommendations for any adjustments must be based on the criteria summarized in the table below:

CRITERIA (City Code 5.30.060)	YES	NO	Unknown
Property owner has committed prior City Code violation or has delinquent account	√		
Property owner has taken steps to correct violation or resolve any delinquency		√	
Property owner's financial condition allows to resolve the problem			√
Violation of high gravity and magnitude	√		
Violation was repeated or continuous	√		
Violation was intentional or negligent caused by the property owner	√		
High degree of difficulty to correct the violation or delinquency	√		
Economic or financial benefit accrued to property owner as a result of the violation		√	
Property owner cooperative and makes effort to correct the violation		√	
Cost to the City to investigate and correct the violation	√		
Any other relevant factors		√	

The Revenue Division has reviewed the information related to this property and its history of violations using the criteria listed above. The office found no mitigating factors that would suggest that a reduced lien amount would encourage improved compliance, property improvement, or elimination of hazards.

### **Conclusion**

According to information provided by Development Services, this property has been inspected 25 times since the first violation occurred. The City has mailed 73 notices and 237 billing statements to the property owners, and the presence of police officers has been required to the property or its vicinity on 137 occasions.

The City has provided the property owners with a variety of opportunities to bring this property and others into compliance with City Code. When applicable, Development Services has offered waivers, review and reductions of liens owed, and the Foreclosure Manager has offered the opportunity of paying the amounts owed on the liens in up to 60-months to no avail.

The City has opted for not foreclosing on all eligible properties belonging to a property owner at once in order to provide property owners opportunities to mitigate their circumstances and facilitate the rehabilitation of their properties.

This is the second time the property owners have a property included on the City's foreclosure list. Currently, they have seven properties in violation of City Code and 39 delinquent City liens.

The violations are repeated and continuous not only with this property but all seven properties that are not in compliance with City Code. The City has spent resources to investigate and correct many of the violations.

Based on the facts provided in this report, the Revenue Division recommends that Council approves this property for foreclosure.



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BUREAU OF REVENUE AND FINANCIAL SERVICES  
**Ted Wheeler, Mayor**  
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189474 EXHIBIT B-2  
Revenue Division  
**Thomas W. Lannom, Director**  
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## Foreclosure Recommendation Report

### 537 NE SKIDMORE ST

The Revenue Division recommends foreclosure on 537 NE Skidmore St. for delinquent City liens. The lien accounts meet delinquency requirements for foreclosure and no mitigating factors were discovered that would prevent foreclosure or indicate that an adjustment of the lien amount is in order.

#### *Summary Information*

<b>Site Address:</b>	537 NE Skidmore St.
<b>Recorded Property Owner:</b>	Trygve Fotland & Penny M Livingstone
<b>Property ID:</b>	R497300280 – R207235
<b>Lien Account Numbers:</b>	124105, 154589, 157371, 158554, 160200, 160606, 162597, 162874, 163405 and
<b>Type of Liens:</b>	Nuisance- GF Invoice and Code Enforcement Fees and Code Violation
<b>Use of Property:</b>	Single Family Dwelling, currently unoccupied
<b>Amount of Delinquent Lien:</b>	<b>\$61,396.19 as of April 12, 2019.</b>
<b>Payoff Amount Recommended:</b>	<b>\$61,396.19</b>

#### *General Information*

This property is included on the list of "Distressed Vacant Properties" provided by the Bureau of Development Services (Development Services) and identified as priority for foreclosure. Development Services and the Portland Police Bureau (Police Bureau) have expressed concerns that these properties are nuisances to the neighborhoods where they are located. In many instances, the Police Bureau is frequently called to disturbances at these properties. Neighbors complain that many of these properties are inhabited by unlawful occupants and there are commonly drug activities taking place, which jeopardizes the public health, safety, and welfare of the neighborhood.

The majority of these properties are investment properties owned by financial institutions or absent owners who have no vested interest in the neighborhood effects such distressed properties have on the community. They are demonstrated hazards and magnets for crime. For these reasons, the Revenue Division's recommendations for these distressed properties are concise and generally maintain the amount owed as is with no recommended reduction in lien amount, except in cases where mitigating circumstances point toward improved property owner compliance with a reduced lien amount.



### ***Violation History***

This is an investment property whose owners have a long history of unresponsiveness and lack of compliance with City Code. Currently, the property owners have seven properties that are not in compliance with City Code and one of the properties has been previously foreclosed by the City. In the past, the property owners sold and rehabilitated a few properties; however, they have had difficulties maintaining many of their properties in compliance with City Code.

Development Services and the Revenue Division have made many attempts to persuade the property owners to bring the property into compliance with City Code, but our efforts have not been successful.

On July 26, 1999, a City inspector inspected the single-family residence at 537 NE Skidmore St. and found that the property was in violation of the City's Property Maintenance Code. The inspector listed the violations as being of structural nature, including a small shed addition, and trash and debris had accumulated around the exterior of the property. On the inspector's notes, it was noted that because of the condition of the violations, a complete inspection of the structure was required. The list of violations was part of the "Notice of Violation – Property Maintenance Code" which required that the property owners to correct the violations within 30 days of the notice. The notice was mailed on July 27, 1999.

On November 21, 2002, the inspector returned to the property to evaluate corrections, but instead, found five additional code violations. On November 26, 2002, the inspector mailed a "Notice of Violation – Property Maintenance Code – Additional Violations" to the property owner. The notice explained the consequences to the property owner if corrections were not performed by the deadline.

On January 10, 2003, the inspector visited the property owners at their residential address to discuss the precarious situation of their properties that were out of compliance with City Code. One of the property owners, Ms. Livingstone, stated to the inspector that she had been ill but intended to start addressing the problems at their properties and will call the City with any questions.

On December 8, 2003, the inspector followed up on a request made by Ms. Livingstone to have a progress report and scheduled an inspection of the subject property two days later.

On December 10, 2003, the inspector went back to reevaluate the property. There were six corrected violations, two uncorrected violations from the previous inspection, and two new additional violations. A "Notice of Violation – Property Maintenance Code – Progress Report" was mailed to the property owners reporting what the inspector encountered.

On May 6, 2004, the inspector went back to evaluate the property and noted that the chimney flashing was missing, and duct tape was being used instead.

In May of 2009, Development Services instituted a "Lien Amnesty Program" where if property owners were delinquent on their liens but in compliance with Title 29 (Property Maintenance Regulations), Development Services would reduce the amount owed, request a down payment of the balance, and offer monthly installment payments up to 60 months for the remaining balance. The deadline for the program was July 8, 2009.

By the end of August, Development Services received a request from the property owners to enroll in the Lien Amnesty Program. Although the Program's deadline had expired, Development Services made



an exception and allowed the property owners to enroll. On September 30, 2009, the offer was accepted by the property owners.

The property owners fulfilled the initial financial requirements for enrollment and made the initial required payments. However, they didn't sign the monthly contractual agreement and regular payments were not made. On November 3, 2009, Development Services rescinded the agreement.

On August 1, 2013, Development Services received another complaint against the property.

Between February of 2013 and April of 2018, multiple nuisances and maintenance violations, including Fire, Life, Safety Violations, were found. For each nuisance, a corresponding "Affidavit for Administrative Search Warrant for Residential Premises" was filed. The property owners were provided notice of nuisance and maintenance violations in all instances.

At this point, there were 15 code enforcement cases related to the subject property and for seven of these cases, the City paid contractors to abate the violations. In addition, there were 32 inspections performed by Development Service and respective notices requesting correction with no response from the property owners.

On March 20, 2017, the inspector filed a complaint with the City's Code Hearings Office. A determination in the City's favor by the Hearings Office could motivate the property owners to make the corrections necessary to bring the property into compliance with City Code. The violations the City was requesting relief included Fire Safety violations, Heath Sanitation violations, and Water Connection violations.

A "Notice of Hearing" and copy of the complaint were mailed to the property owners. The hearing was scheduled for August 9, 2017. The Senior Housing Inspector for the City of Portland appeared and testified on behalf of the City. At the Hearing, neither the property owners nor any persons representing the property owners or having an interest in the subject property appeared.

On August 15, 2017, the Hearings Officer signed the Order finding the City's request for relief to be reasonable and appropriate, ordered the property owners to correct the violations, and to undertake all actions necessary to remedy the violations and prevent reoccurrences.

To date, the property owners continue to be unresponsive, the property continues to be a nuisance to the neighborhood, and Development Services continues to use its resources to minimize the negative effects that this property has created for the community.

### ***Police Involvement***

From May 10, 2011 through August 20, 2018, police reports show that there have been five calls for service to this address. Four out of five of these calls were Disorder calls associated with Premise Checks and were dispatched.

Outside of the listed address, 119 other non-traffic calls for service were made within 200 feet of the property. Calls within the most common call group, Disorder, were related to a variety of issues, the most common being Disturbances (21).

***Lien Details***

There are 10 liens placed by the City against the property.

Lien No.	Asmt. Date	Principal	Interest	Penalty	Cost	Total
124105	10/18/1999	6,283.80	2,551.49	408.46	187.00	\$9,430.75
154589	02/10/2014	2,109.88	1,288.00	310.93	283.00	\$3,991.81
157371	07/10/2015	2,014.56	886.79	211.68	182.00	\$3,295.03
158554	03/10/2016	2,199.55	791.85	192.50	158.00	\$3,341.90
160200	01/18/2017	13,286.90	1,892.21	470.70	78.00	\$15,727.81
160606	04/18/2017	16,354.80	2,123.62	529.60	69.00	\$19,077.02
162597	09/18/2017	394.90	70.95	16.83	104.00	\$586.68
162874	11/28/2017	2,000.00	319.54	75.00	98.00	\$2,492.54
163405	02/28/2018	895.00	116.52	26.88	89.00	\$1,127.40
164730	04/28/2018	1,975.32	217.53	49.40	83.00	\$2,325.25
<b>Total</b>		<b>\$47,514.71</b>	<b>\$10,258.50</b>	<b>\$2,291.98</b>	<b>\$1,331.00</b>	<b>\$61,396.19</b>

The amounts owed reflected in the table are as of April 12, 2019

***Ownership/Interest***

According to Multnomah County records, the property is recorded under the names of **FOTLAND,TRYGVE & LIVINGSTONE,PENNY M.** since October 8, 1989.

***Communication with Owner***

From October 18, 1999 through April 03, 2018, the City has mailed 98 notifications and 283 monthly billing statements to the property owner. In addition, there were several phone calls attempting to contact the property owner.

Between January 16-19 and April 8, the City mailed four Notices of Pending Foreclosure Action to the property owners. The notices were mailed first-class and as certified mail with return-receipts required.

***Evaluation Criteria***

City Code 5.30.060 states that "the Revenue Division may evaluate individual delinquent open liens to develop recommendations on revising the payment amount of the lien and the payment terms."

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Recommendations for any adjustments must be based on the criteria summarized in the table below:

CRITERIA (City Code 5.30.060)	YES	NO	Unknown
Property owner has committed prior City Code violation or has delinquent account	√		
Property owner has taken steps to correct violation or resolve any delinquency		√	
Property owner's financial condition allows to resolve the problem			√
Violation of high gravity and magnitude	√		
Violation was repeated or continuous	√		
Violation was intentional or negligent caused by the property owner	√		
High degree of difficulty to correct the violation or delinquency	√		
Economic or financial benefit accrued to property owner as a result of the violation		√	
Property owner cooperative and makes effort to correct the violation		√	
Cost to the City to investigate and correct the violation	√		
Any other relevant factors		√	

The Revenue Division has reviewed the information related to this property and its history of violations using the criteria listed above. The office found no mitigating factors that would suggest that a reduced lien amount would encourage improved compliance, property improvement, or elimination of hazards.

### **Conclusion**

This property is one of many investment properties owned by the property owners. There is an established pattern of lack of care and maintenance of the properties. To date, they still have seven properties that are not in compliance with City Code, despite the City's intense effort to offer assistance and having already foreclosed on one of the properties.

This property has been a nuisance to the neighborhood since 1999 when the first complaint was brought to the City's attention. According to information provided by Development Services, staff members have inspected the property on 32 occasions since the detection of the violations.

The City mailed 98 notices to the property owners and 283 monthly billing statements, and the presence of police officers has been required to the property or vicinities 124 times.

During the time that the property has not been in compliance with City Code, the property owners were notified by the City of several significant nuisance violations and did not correct them. The City was required to abate these serious violations that could have potentially affected the public health, safety, and the welfare of the community.

The violations were repeated and continuous for the last 20 years and throughout this time, the property has been legally vacant and occasionally occupied by unlawful occupants.

The violations were intentionally or negligently caused by the property owner's pattern of deferring maintenance or inability to manage their properties. As more time passed, it became more difficult for

the property owners to correct the violations, especially with the accumulation of new liens. The property currently has 10 liens placed against it in the amount of \$61,396.19.

Throughout the history of violations in the property, the property owner was not cooperative, and made little effort to correct the violations.

Based on the facts provided in this report, the Revenue Division recommends that Council approves this property for foreclosure.



**CITY OF PORTLAND**  
OFFICE OF MANAGEMENT AND FINANCE  
BUREAU OF REVENUE AND FINANCIAL SERVICES

**Ted Wheeler, Mayor**  
**Tom Rinehart, Chief Administrative Officer**  
**Jennifer Cooperman, Chief Financial Officer**

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## **Foreclosure Recommendation Report**

### **5034 NE GRAND AVE.**

The Revenue Division recommends foreclosure on 5034 NE Grand Ave. for delinquent City liens. The lien accounts meet delinquency requirements for foreclosure and no mitigating factors were discovered that would prevent foreclosure or indicate that an adjustment of the lien amount is in order.

#### **Summary Information**

<b>Site Address:</b>	5034 NE Grand Ave.
<b>Recorded Property Owners:</b>	Trygve Fotland & Penny Livingstone
<b>Property ID:</b>	R724500190
<b>Lien Account Numbers:</b>	154383, 160595, 160608, 162594, 163406, 163407, 164731 and 165957
<b>Type of Liens:</b>	Nuisance- GF, Code Enforcement Fees
<b>Use of Property:</b>	Single Family Dwelling, currently unoccupied
<b>Amount of Delinquent Liens:</b>	<b>\$79,849.86 as of April 12, 2019</b>
<b>Payoff Amount Recommended</b>	<b>\$79,849.86</b>

#### **General Information**

This property is included on the list of "Distressed Vacant Properties" provided by the Bureau of Development Services (Development Services) and identified as priority for foreclosure. These properties are nuisances to the neighborhoods where they are located, with sometimes frequent disturbances and police calls. Neighbors complain that many of these properties are inhabited by unlawful occupants and there are commonly drug activities taking place, which jeopardizes the public health, safety, and welfare of the neighborhood.

Many of these properties are investment owned by financial institutions or absent owners who have no vested interest in the neighborhood effects such distressed properties have on the community. They are demonstrated hazards and magnets for crime. For these reasons, the Revenue Division recommendations for these distressed properties are concise and generally maintain the amount owed as is with no recommended reduction in lien amount, except in cases where mitigating circumstances point toward improved property owner compliance with a reduced lien amount.

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### ***Violation History***

This is an investment property whose owners have a long history of unresponsiveness and lack of compliance with City Code. Currently, the property owners have seven properties that are not in compliance with City Code and one has been previously foreclosed by the City. In the past, the property owners sold and rehabilitated a few properties; however, they have had difficulties maintaining many of their properties in compliance with City Code.

Development Services and the Revenue Division's Foreclosure Manager have made attempts to persuade the property owners to bring the property into compliance with City Code, but our efforts have not been successful.

On September 6, 2013, after receiving a complaint that there were people living in tents in the property's backyard, a City inspector visited the property. The inspector's notes explained that there was no evidence that could corroborate the complaint; however, the inspector detected violations of City Code. The next day the inspector mailed a "Notice of Violation – Property Maintenance Code" listing the violations and instructing the property owners to correct the violations within 30 days and contact Development Services for a re-inspection.

On October 14, 2015, the property was inspected, and the dwelling was vacant, apparently secure with no signs of camping on the property. On October 16, the inspector mailed the property owners a "Notice of Violation – Property Maintenance Code Progress Report" listing the violations previously notified to the property owners. The notice explicitly stated that "if the property or any part of the property is vacant or becomes vacant, it cannot be occupied until the violations are corrected. In the event the property or any part of the property is reoccupied before all violations are corrected, a \$708.00 per month penalty, in addition to the monthly enforcement fee, will be charged until the property is vacated and/or all violations are corrected and approved by the Housing Inspector."

On October 30, 2015, the inspector drove by the property to observe the property's condition. The inspector located an RV parked on the driveway that appeared to be utilizing electricity from the property. The inspector could not confirm where the electrical cord was attached to the property, but it may have been from the garage. In a conversation with a neighbor, the neighbor informed the inspector that the RV was occupied, and that it was associated with an adjacent neighbor.

On February 17, 2017, after seven inspections and multiple maintenance violations including a Fire, Life, Safety Violation and a nuisance, the inspector decided to refer the case to the Hearings Office. On February 20, 2017, the inspector mailed a "Notice of Violation – Property Maintenance Code Referral of Housing case to Code Hearings Office" to the property owners. In the notice, the inspector listed all seven violations – now including a Fire Life Safety Violation and a Health Sanitation Violation.

On March 13, 2017, re-inspection of the property found it to be illegally re-occupied. On March 15, 2017, the inspector mailed the property owners a "Notice of Violation – Reoccupation over Violation" and posted a "Red Tag Violation" on the front door of the property. The notice also established a monthly fine of \$708.00, which would continue until the occupation is discontinued or the case is closed.

During the visit to post the "Red Tag Violation" on March 15, the inspector contacted the tenant who informed the inspector that he and several other people had been living at the property for over one



year. The tenant explained that there was electricity at the property but no water service. They were using a portable construction toilet next door. The tenant stated that he was given permission by the property owners to live in the house, but he cannot locate her to address the water problem. The inspector told them that it would be unlikely that the water problem would be solved due to amounts owed to the Water Bureau by the property owners. The inspector encouraged all of the occupants to find a new place to live. The violations also represented a violation of ORS 90.320 – “Landlord to maintain premises in habitable condition; agreement with tenant to maintain premises,” as the property had not been maintained in a habitable condition.

On July 7, 2017, the inspector, in preparation for the hearing, visited the property and confirmed occupancy and existing violations.

On July 13, 2017, the inspector submitted a packet of materials to the City Hearings Office. The packet included evidentiary documentation and a request for a hearing date; the outcome could order the property owners to correct all violations described in the packet and comply with Portland City Code.

On July 24, 2017, the inspector was informed of a scheduled hearing date for August 9, 2017. On the same day, the inspector delivered a copy of the complaint and notice to the subject property and posted the notice on the front door. The inspector communicated verbally with the lead occupant who said he had a written lease, which he couldn't locate at the time of the inspector's visit.

On August 8, 2017, in anticipation of the hearing scheduled for August 9, 2017, the inspector re-visited the property and confirmed that the violations still existed.

On the Hearing date, neither the Respondent nor a representative of the Respondents, occupants, or a person having an interest in the property appeared at the Hearing. Based on the evidence presented by the inspector on exhibit #1, case #2170011, bureau case # 13-201843 HS, the inspector requested correction of the violations and assessment of civil penalties. The Hearings Officer granted the requests made by the inspector on behalf of the City, to order the property owners to bring the property into compliance with Portland City Code.

On October 9, 2017, the inspector posted a warrant on the front door to vacate the property. There was no response at the door when the inspector knocked on the door; however, the inspector was able to confirm that the property was still occupied. On October 10, 2017, a City contractor performed a nuisance abatement.

On December 4, 2017, the inspector mailed to the property owners a “Notice of Violation – Property Maintenance Code Additional Violations,” stating that the violations remained uncorrected since 2013. By now, numerous violations and nuisances had occurred, among them many Fire, Life, and Safety Violations, Health Sanitation Violations, and three violations that required permits. Violations included no water supply, sleeping areas lacking required protection by operable smoke detectors, handrails at the basement steps were unsecured and not capable of supporting the loads required by law, junction boxes in the basement lacking cover plates and exposing wires, trash and debris accumulated on the interior of property, and structural, electrical, and plumbing performed without required permits.

Photos taken on January 8, 2019 after an inspector's visit to the site and under warrant authority showed a board removed, a broken window pane, and debris around the property indicating that there had been no change in the conditions prevalent from the first visit made by a City inspector.

This property has been classified and included as part of the Extremely Distressed Properties Enforcement Program (EDPEP).

### ***Police Involvement***

From April 17, 2011, through August 20, 2018, police reports show that there have been 11 calls for service to this address. Some of these related to Premise Checks (2), Suspicious Circumstances (2), and Unwanted Persons (1).

Outside of the listed address, 385 other non-traffic calls for service were made within 200 feet of the property. 66 calls were related to Welfare Checks and 54 related to Disturbances. Additionally, there were calls related to Crimes (99), Theft (22), Assault (20), Harassment (17), and Threats (14).

### ***Lien Details***

There are eight liens placed by the City against the property.

<b>Lien No.</b>	<b>Asmt. Date</b>	<b>Principal</b>	<b>Interest</b>	<b>Penalty</b>	<b>Cost</b>	<b>Total</b>
154383	12/18/2013	34,206.70	11,202.67	2,798.03	189.00	48,396.40
160595	04/10/2017	524.70	120.82	28.82	119.00	793.34
16068	04/18/2017	16,354.80	2,123.62	529.60	69.00	19,077.02
162594	09/18/2017	394.90	70.95	16.83	104.00	586.68
163406	02/28/2018	1,054.00	137.22	31.68	89.00	1,311.90
163407	02/28/2018	2,000.00	260.37	60.00	89.00	2,409.37
164731	04/28/2018	3,941.80	434.12	98.50	83.00	4,557.42
165957	12/10/2018	2,624.51	77.66	6.56	9.00	2,717.73
<b>Total</b>		<b>\$61,101.41</b>	<b>\$14,427.43</b>	<b>\$3,570.02</b>	<b>\$751.00</b>	<b>\$79,849.86</b>
<b>The amounts owed reflected in the table are as of April 12, 2019</b>						

### ***Ownership/Interest***

According to Multnomah County records, the property is recorded under the names of **TRYGVE FOTLAND & PENNY M LIVINGSTONE** since June of 1991.

### ***Communication with Owners***

From September 16, 2013 through March 21, 2019, the City has mailed 38 notifications and 110 monthly billing statements to the property owners. In addition, there were unsuccessful phone calls attempting to contact the property owners.

Between January 16-19 and April 8, the City of Portland mailed four Notices of Pending Foreclosure Action to the property owners. The notices were mailed first-class and as certified mail with return-receipts required.

### ***Evaluation of Adjustment Criteria***

City Code 5.30.060 states that “the Auditor may evaluate individual delinquent open liens to develop recommendations on revising the payment amount of the lien and the payment terms.”

Recommendations for any adjustments must be based on the criteria summarized in the table below:

CRITERIA (City Code 5.30.060)	YES	NO	Unknown
Property owner has committed prior City Code violation or has delinquent account	√		
Property owner has taken steps to correct violation or resolve any delinquency		√	
Property owner's financial condition allows to resolve the problem			√
Violation of high gravity and magnitude	√		
Violation was repeated or continuous	√		
Violation was intentional or negligent caused by the property owner	√		
High degree of difficulty to correct the violation or delinquency	√		
Economic or financial benefit accrued to property owner as a result of the violation		√	
Property owner cooperative and makes effort to correct the violation		√	
Cost to the City to investigate and correct the violation	√		
Any other relevant factors		√	

The Revenue Division has reviewed the information related to this property and its history of violations using the criteria listed above. No mitigating factors were found that would suggest that a reduced lien amount would encourage improved compliance, property improvement, or elimination of hazards.

### ***Conclusion***

According to information provided by Development Services, the property has been inspected on 25 occasions since the detection of code violations. The City mailed 38 notices to the property owners and 110 monthly billing statements, besides two phone calls.

There are eight delinquent liens placed by the City against this property in the amount of \$79,849.86 as of April 03, 2019.

The Revenue Division has taken all necessary steps to contact the property owners in the attempt to persuade them to address the problems caused by their vacant and distressed property. To date, no attempt has been made by the property owners to correct the violations or to sell the property to mitigate the negative impact caused to the neighborhood, and, in some instances, to tenants.

As stated earlier in the report, the property owners have sold or rehabilitated a few of their properties in the past; however, they have had difficulties managing many of them. Previously, the property owners employed the services of a property management organization.

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The property owners have violations and delinquent accounts not only against this property, but also against several other properties they own. There have been no efforts made to correct the violations or resolve the delinquencies despite attempts made by the City to persuade the property owners to bring the property into compliance with City Code.

This is one of many investment properties owned by the property owners that could be rehabilitated and brought back onto the market as a rental or sold which would provide financial benefit for the property owners and mitigation of the violations on the property that have caused problems for the neighbors and community.

The degree of difficulty to correct the violations when originally cited would have been very low. Deferred maintenance is one of the major causes of deterioration, leading to impairment of the property, which appears to be the case with these property owners.

Based on the information contained in this report, and this property has been included in the Extremely Distressed Properties Enforcement Program, the property meets the foreclosure criteria; therefore, the Revenue Division recommends that Council approves this property for foreclosure.



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## Foreclosure Recommendation Report

### 4146 NE 14<sup>TH</sup> Ave.

The Revenue Division recommends foreclosure on 4146 NE 14<sup>th</sup> Ave. for delinquent City liens. The lien accounts meet delinquency requirements for foreclosure and no mitigating factors were discovered that would prevent foreclosure or indicate that an adjustment of the lien amount is in order.

#### *Summary Information*

<b>Site Address:</b>	4146 NE 14 <sup>th</sup> Ave.
<b>Recorded Property Owner:</b>	Meadows 132 LLC
<b>Property ID:</b>	R611503510
<b>Lien Account Numbers:</b>	162327, 165018 and 165873
<b>Type of Liens:</b>	Code Enforcement Fees and Nuisance- GF Invoice
<b>Use of Property:</b>	Single Family Dwelling. Vacant and abandoned.
<b>Amount of Delinquent Liens:</b>	<b>\$ 16,291.72 as of April 12, 2019</b>
<b>Payoff Amount Recommended:</b>	<b>\$ 16,291.72</b>

#### *General Information*

This property is included on the list of "Distressed Vacant Properties" provided by the Bureau of Development Services (Development Services) and identified as priority for foreclosure. Development Services and the Portland Police Bureau (Police Bureau) have expressed concerns that these properties are nuisances to the neighborhoods where they are located. In many instances, the Police Bureau is frequently called to disturbances at these properties. Neighbors complain that many of these properties are inhabited by unlawful occupants and there are commonly drug activities taking place, which jeopardizes the public health, safety, and welfare of the neighborhood.

Many of these properties are investment properties owned by financial institutions or absent owners who have no vested interest in the neighborhood effects such distressed properties have on the community. They are demonstrated hazards and magnets for crime. For these reasons, the Revenue Division's recommendations for these distressed properties are concise and generally maintain the amount owed as is with no recommended reduction in lien amount, except in cases where mitigating circumstances point toward improved property owner compliance with a reduced lien amount.



### ***Violation History***

This is a residential single-family dwelling that has been out of compliance with City Code since May 2016. The property owner is in violation of the Portland Zoning Code by operating a motor vehicle on the unpaved yard of a residential property that is not recognized as parking area.

On June 7, 2017, when a City inspector re-inspected the property, the property was vacant with three abandoned vehicles in the backyard. There was construction debris, broken glass, toxic containers, and un-mowed grass.

On June 8, 2017, the inspector mailed a "Notice of Zoning Violation" and a "Notice to Remove Nuisance" to the property owner, citing the code violations and requesting corrections.

On June 26, 2017, the inspector returned to the property for a reinspection and noted that the violations were not corrected. On June 27, the inspector mailed a "Notice of Impending Work Order" explaining that the required work was not performed and informed the property owner that if the property was not in compliance with City Code by the next inspection, enforcement actions would take place.

On November 2, 2017, the inspector re-inspected the property and confirmed that the cited nuisance conditions remained uncorrected at the property. The inspector mailed a "Final Notice – Referral for Nuisance Abatement". The notice specified that if the nuisance was not correct by November 17, 2017, a City contractor would remove the nuisance and the cost of the abatement would be higher because of administrative charges, a Civil penalty, and the cost of the search warrant would be added to the cost of the abatement itself.

On November 16, 2017, there was an exchange of emails between the property owner and the inspector. The owner was requesting a 30-day extension to correct the violations. The City granted an extension and specified that the inspector would re-inspect the property on or after December 15, 2017.

On December 27, 2017, the inspector re-inspected the property and the violations were not corrected. It appeared that construction without required permits had taken place at the property and construction debris, demolition waste, and tires were left around the property.

On December 27, 2017, the inspector filed in the Multnomah County Court an "Affidavit for Administrative Search Warrant" for residential premises to inspect and remove conditions that constitute violations of Title 29 of the City of Portland. On February 12, 2018, the warrant was executed, and a city contractor performed a nuisance abatement at the property.

On September 18, 2018, after receiving a complaint, a City inspector went back, re-inspected the property and confirmed violations of City Code. There were three violations: A Fire Life Safety Violation, a violation that required a permit, and a violation that presented a hazardous and unsafe condition.

On September 19, 2018, the inspector mailed a notice to the property owner describing the violations and provided the necessary steps to bring the property into compliance with City Code.

This residential property has been the subject of repeated and continuous nuisances and housing maintenance violations. There have been three zoning violation cases, four nuisance violation cases, and one housing violation. In addition, this residential dwelling has been vacant since 2016. Inspectors' notes



indicate that construction may have been initiated to rehabilitate the property; however, Development Services shows no permits on record and no correction of the violations.

### ***Police Involvement***

From February 24, 2016 through August 24, 2018, police reports show that there have been 3 calls for service to this address. The calls were related to Community Policing and Disorder; and were all dispatched.

Outside of the listed address, 7 other non-traffic calls for service were made within 200 feet of the property. The most common complaints were related to Disturbances (2 calls), Suspicious Circumstances (1 call), and Welfare Checks (1 call) as well.

The criminal activities at and around this property demonstrate the negative impact that vacant and abandoned properties attract to the communities and neighborhoods.

### ***Lien Details***

There are three liens placed by the City against the property.

Lien No.	Asses. Date	Principal	Interest	Penalty	Costs	Total
162327	08/01/2017	9,611.80	1,056.75	264.33	60.00	10,992.88
165018	06/10/2018	4,184.95	376.98	83.68	52.00	4,697.61
165873	11/18/2018	565.40	19.60	4.23	12.00	601.23
<b>Total</b>		<b>\$14,362.15</b>	<b>\$1,453.33</b>	<b>\$352.24</b>	<b>\$124.00</b>	<b>\$16,291.72</b>
The amounts owed reflected in the table are as of April 12, 2019.						

### ***Ownership/Interest***

According to Multnomah County records, the property is recorded under the name of **MEADOWS 132 LLC**. There is no evidence that the property has changed ownership since April of 2016.

### ***Communication with Owner***

There have been several attempts to communicate with the property owner since Development Services first detected code violations. The City has mailed 12 notices and letters and 25 monthly billing statements to the property owner. There is no phone number available.

Between January 16-19 and April 8, the City of Portland mailed four Notices of Potential Foreclosure Action to the property owner. The notices were mailed using certified delivery and first-class mail.

### ***Evaluation of Adjustment Criteria***

City Code 5.30.060 states that “the Revenue Division may evaluate individual delinquent open liens to develop recommendations on revising the payment amount of the lien and the payment terms.”

Recommendations for any adjustments must be based on the criteria summarized in the table below:

CRITERIA (City Code 5.30.060)	YES	NO	Unknown
Property owner has committed prior City Code violation or has delinquent account	√		
Property owner has taken steps to correct violation or resolve any delinquency		√	
Property owner’s financial condition allows to resolve the problem			√
Violation of high gravity and magnitude	√		
Violation was repeated or continuous	√		
Violation was intentional or negligent caused by the property owner	√		
High degree of difficulty to correct the violation or delinquency		√	
Economic or financial benefit accrued to property owner as a result of the violation		√	
Property owner cooperative and makes effort to correct the violation		√	
Cost to the City to investigate and correct the violation	√		
Any other relevant factors		√	

The Revenue Division has reviewed this property and its history of violations using the criteria listed above and found no mitigating factors that would suggest that a reduced lien amount would encourage improved compliance, property improvement, or elimination of hazards.

### ***Conclusion***

It may be reasonable to assume that the property owner has made a business decision or has not been able to comply with City Code. To date, there has been no significant attempt by the property owner to correct the code violations.

According to information provided by Development Services, the property has been inspected on 12 occasions since the detection of the first violation. Development Services has requested an Affidavit for Administrative Search Warrant for the property and filed for search warrants twice. The police have been called for services on three specific occasions; however, there were seven other calls for services made within 200 feet of the property.

Based on Development Services’ reports, there were 11 violations to City Code Title 29, of which one was a Fire Life Safety Violation, one presented a hazardous and unsafe condition, and one required a permit. One of the three liens placed by the City against the property was a nuisance and it was abated by Development Services.

The Revenue Division also finds that had the property owner addressed the violations within a reasonable time, the corrections would have been less costly and the degree of difficulty to correct the violations would have been reduced.

The property is negatively impacting the neighborhood based on the information contained in this report. The condition of the property, the recent history of the property being unoccupied, and evidence that the property continues to be neglected compels the Revenue Division to recommend that Council approves this property for foreclosure.



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## Foreclosure Recommendation Report

### 7405-7415 NE FREMONT ST

The Revenue Division recommends foreclosure on 7405-7415 NE Fremont St. for delinquent City liens. The lien accounts meet delinquency requirements for foreclosure and no mitigating factors were discovered that would prevent foreclosure or indicate that an adjustment of the lien amount is in order.

#### Summary Information

<b>Site Address:</b>	7405 – 7415 NE Fremont St.
<b>Recorded Property Owner:</b>	Margaret J Bogart
<b>Property ID:</b>	R890804880 – R300547
<b>Lien Account Numbers:</b>	152795, 154599, 156428, 156485, 157978, 159265, 159512, 159676, 160769, 160812, 162366, 164525 and 165817
<b>Type of Liens:</b>	Nuisance- GF Invoice and Code Enforcement Fees and Code Violation
<b>Use of Property:</b>	Single Family Dwelling, currently unoccupied
<b>Amount of Delinquent Lien:</b>	<b>\$84,456.64 as of April 12, 2019.</b>
<b>Payoff Amount Recommended:</b>	<b>\$84,456.64</b>

#### General Information

This property is included on the list of "Distressed Vacant Properties" provided by the Bureau of Development Services (Development Services) and identified as priority for foreclosure. Development Services and the Portland Police Bureau (Police Bureau) have expressed concerns that these properties are nuisances to the neighborhoods where they are located. In many instances, the Police Bureau is frequently called to disturbances at these properties. Neighbors complain that many of these properties are inhabited by unlawful occupants and there are commonly drug activities taking place, which jeopardizes the public health, safety, and welfare of the neighborhood.

The majority of these properties are investment properties owned by financial institutions or absent owners who have no vested interest in the neighborhood effects such distressed properties have on the community. They are demonstrated hazards and magnets for crime. For these reasons, the Revenue Division's recommendations for these distressed properties are concise and generally maintain the amount owed as is with no recommended reduction in lien amount, except in cases where mitigating circumstances point toward improved property owner compliance with a reduced lien amount.



***Violation History***

The subject property is a duplex with a detached garage. The property has not been properly maintained and in compliance with City Code since the first complaint received by Development Services.

On July 19, 2012, Development Services received a complaint from a member of the public to inspect the property located at 7405-7415 NE Fremont St. The complainant alleged that the property was vacant and unlawful occupants were sleeping in the backyard. The complainant also said that the grass was tall, providing shelter for alleged illegal activities that may have been related to the unlawful occupants. In addition, the complainant stated that trash and debris was accumulating and there was a possibility that the property was open and accessible.

On July 24, 2012, a City inspector evaluated the property and determined that there were violations of City Code. On July 26, 2012, the inspector mailed a "Notice to Remove Nuisance" to the property owner. The notice established 15 days for the property owner to correct the violations and the date when the inspector would reinspect the property.

On August 13, 2012, the inspector re-inspected the property and there was no change in its condition. On August 14, 2012, the inspector mailed to the property owner a "Notice of Impending Work Order." The notice explained costs that the property owner would incur if the violations were not resolved.

On September 12, 2012, the "Final Notice - Referral for Nuisance Abatement" was mailed to the property owner. The notification informed the property owner that if payment was not received relating to the previous notification, a lien would be placed against the property.

On September 18, 2012, the City inspector re-inspected the property and there was no change to its condition.

On September 24, 2012, the City filed in Multnomah County Court an "Affidavit for Administrative Search – Warrant for Residential Premises" to inspect the property to abate conditions that constituted violations of City Code.

On October 3, 2012, the inspector executed the warrant and the City contractor abated the nuisance at the property. On December 10, 2012, a lien was created.

On July 18, 2013, Development Services received a complaint about the property, stating that there were a lot of weeds and unlawful occupants going into the property to sleep and possibly to commit illegal activities. On the same day, the City inspector went to the property and found that the conditions on the property did not comply with City Code. The inspector found tall grass and weeds, and there was an accumulation of trash and debris around the outdoor areas of the property. The inspector described seeing bags of recyclables, clothes, litter etc. The inspector talked to the neighbor who said that there was a vehicle dumping garbage on the yard; the neighbor was able to take a picture of the vehicle and its respective license plate and provided it to the police. The neighbor also said the property owner occasionally stopped at the property to pick up mail.

On July 26, 2013, the inspector mailed to the property owner a "Notice to Remove Nuisance." The notice provided 15 days to bring the property into compliance with City Code.

By September 30, 2013, there were six complaints received by Development Services. The inspector went to check the property and, despite some of the complainants describing unlawful occupancy, the inspector reported that there was never evidence of occupancy on either side of the duplex, beyond the outdoors. However, according to the same inspector's reports, there were "clothing and other items strewn about stoop (looks like someone has been camping/living there); tall weeds in yard and parking strip."

On December 3, 2013, the City obtained a second "Warrant for Administrative Search" to inspect the property to remove conditions that constituted violations of the City Code.

By May of 2017, the property had been classified three times as a "Chronic Offender." According to the definition of Title 29.70.040 of City Code, a Chronic Offender is any person whose property has accumulated, within any 12-month period, multiple violations under Title 29 which have a negative impact on the public health or welfare and cause repeat inspections and enforcement efforts by Development Services.

By February 1, 2016, further deterioration of the property's conditions was clearly evident. The inspector went back to the property, looking for signs of unlawful occupancy of the garages. The inspector's report stated: "house open with clear indication of recent occupancy with litter, clothes and food all around." The inspector sent a note to his supervisor requesting to have the house boarded up.

On May 16, 2016, after Development Services received an additional complaint, the inspector went to evaluate the property. The inspector found the conditions of the property were the same as it was at the last inspection; there was no change in the conditions of the property.

On May 18, 2016, the inspector made the notification requesting the removal of the nuisance. On June 6, 2016, the inspector went back to the property. The conditions remained the same.

On July 8, 2016, the inspector applied for the fifth "Affidavit for Administrative Search – Warrant for Residential Premises" to inspect the property and abate the existing violations. On July 25, 2016, the inspector served the warrant to both doors of the duplex, and on July 26, 2016, the inspector executed the warrant.

On February 2, 2017 and March 23, 2018, Development Services received numerous complaints and applied for the issuance of three additional "Warrants for Administrative Search" to inspect the property and abate the existing violations.

It's important to note that abatement of nuisance cases involve an extensive use of the City's resources because the abatements are executed by contractors paid by the City. The nature of nuisance violations in general involve public health, safety and the welfare of the community; therefore, there is an urgency for abatement.



### ***Police Involvement***

From April 18, 2011 through August 20, 2018, police reports show that there have been 24 calls for service to this address. Many of these calls were related to Premise Checks (18) and were dispatched.

Outside of the listed address, 192 other non-traffic calls for service were made within 200 feet of the property. Calls within the most common call group (Disorder) were related to a variety of issues, the most common being Disturbances (34), Unwanted Persons (31), and Welfare Checks (20). Calls related to Crime were the next highest (40) and were mostly related to types of Larceny or Threatening Behavior.

### ***Lien Details***

There are thirteen liens placed by the City against the property.

<b>Lien No.</b>	<b>Asmt. Date</b>	<b>Principal</b>	<b>Interest</b>	<b>Penalty</b>	<b>Cost</b>	<b>Total</b>
152795	12/10/2012	1,966.56	1,454.56	354.24	275.00	\$4,070.40
154599	02/10/2014	2,582.15	1,576.43	381.14	258.00	4,797.72
156428	01/10/2015	2,355.44	1,177.10	276.83	200.00	4,009.37
156485	01/18/2015	27,704.60	6,926.93	1,730.13	150.00	35,511.66
157978	12/10/2015	2,463.13	960.27	221.76	167.00	3,812.16
159265	07/10/2016	654.50	209.39	50.84	146.00	1,060.73
159512	09/10/2016	4,652.81	1,395.06	337.27	140.00	6,525.14
159675	10/10/2016	1,310.10	379.41	91.84	137.00	1,918.35
160769	07/13/2017	1,426.79	285.16	67.83	110.00	1,889.78
160812	05/10/2017	1,310.10	288.11	68.88	116.00	1,783.09
162366	08/10/2017	3,524.07	668.56	158.58	107.00	4,458.21
164525	03/10/2018	786.50	94.42	21.67	86.00	988.59
165817	12/10/2018	12,229.99	361.88	30.57	9.00	12,631.44
<b>Total</b>		<b>\$62,966.74</b>	<b>\$15,797.32</b>	<b>\$3,791.58</b>	<b>\$1,901.00</b>	<b>\$84,456.64</b>
<b>The amounts owed reflected in the table are as of April 12, 2019</b>						

### ***Ownership/Interest***

According to Multnomah County records, the property is recorded under the name of **BOGART, MARGARET J**, since May of 1998.

### ***Communication with Owner***

From December 10, 2012 through March 21, 2019 the City has mailed 176 notifications and 431 monthly billing statements to the property owner. In addition, there were several phone calls attempting to contact the property owner.

Between January 22 and April 8, the City mailed four "Notices of Pending Foreclosure Action" to the property owners. The notices were mailed first-class and as certified mail with return-receipts required.

### ***Evaluation Criteria***

City Code 5.30.060 states that “the Revenue Division may evaluate individual delinquent open liens to develop recommendations on revising the payment amount of the lien and the payment terms.”

Recommendations for any adjustments must be based on the criteria summarized in the table below:

CRITERIA (City Code 5.30.060)	YES	NO	Unknown
Property owner has committed prior City Code violation or has delinquent account	√		
Property owner has taken steps to correct violation or resolve any delinquency		√	
Property owner’s financial condition allows to resolve the problem			√
Violation of high gravity and magnitude	√		
Violation was repeated or continuous	√		
Violation was intentional or negligent caused by the property owner	√		
High degree of difficulty to correct the violation or delinquency	√		
Economic or financial benefit accrued to property owner as a result of the violation		√	
Property owner cooperative and makes effort to correct the violation		√	
Cost to the City to investigate and correct the violation	√		
Any other relevant factors		√	

The Revenue Division has reviewed the information related to this property and its history of violations using the criteria listed above. The office found no mitigating factors that would suggest that a reduced lien amount would encourage improved compliance, property improvement, or elimination of hazards.

### ***Conclusion***

According to information provided by Development Services, the property has been inspected on 26 occasions since the detection of the violations.

The City mailed 176 notices to the property owner and 431 monthly billing statements, and the presence of police officers has been required to the property or vicinities 192 times.

The property owner was notified by the City of several significant nuisance violations and did not correct them. The City was required to abate these serious violations that could have potentially affected the public health, safety, and the welfare of the community.

Code violations were repeated and continuous over the last eight years. Throughout this time, the property has been vacant. The violations were intentionally or negligently caused by the property owner deferring maintenance, or an inability to maintain the property. As more time passed since the property owner was originally notified of violations, it became more difficult to correct the violations, especially with the accumulation of new City liens.

Throughout the history of the property’s code violations, the property owner was not cooperative, and made no efforts to correct the violations. It’s important to note that 8 out of 13 violations – or 62% of

the violations that generated liens in this property – were abated by the City, requiring an intense use of the City's resources.

Based on the facts provided in this report, the Revenue Division recommends that Council approves this property for foreclosure.



**CITY OF PORTLAND**  
OFFICE OF MANAGEMENT AND FINANCE  
BUREAU OF REVENUE AND FINANCIAL SERVICES

**Ted Wheeler, Mayor**  
**Tom Rinehart, Chief Administrative Officer**  
**Jennifer Cooperman, Chief Financial Officer**

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**Revenue Division**  
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April 17, 2019

To: Mayor Ted Wheeler  
Commissioner Amanda Fritz  
Commissioner Nick Fish  
Commissioner Jo Ann Hardesty  
Commissioner Cloe Eudaly  
Auditor Mary Hull Caballero

From: Thomas W. Lannom, Revenue Division Director

Date: April 12, 2019

Subject: Foreclosure List 2019-01

Attached is a report listing five properties that are eligible for foreclosure for payment of delinquent City liens owed to the City of Portland. They will be considered for foreclosure by Council at the May 1, 2019, meeting at 10:45 A.M.

Each property has three or more liens placed by the Bureau of Development Services (Development Services) as part of its code enforcement and nuisance abatement responsibilities. These properties are delinquent on lien repayment and meet the requirements for foreclosure under Portland City Code Chapter 5.30.

The properties included in this report were identified by Development Services, working in collaboration with Portland Police Bureau and the Office of Community and Civic Life. The properties have been prioritized for foreclosure according to a lengthy history of health and safety violations, numerous police calls, negative effects on neighborhoods, and lack of responsiveness and corrective action by the property owners.

The Foreclosure Manager reviewed each property and evaluated it against the criteria provided in City Code for any lien adjustments. City Code states that the Revenue Division may adjust lien amounts; the City's Collections Committee's role is to approve, reject or amend the Revenue Division's recommendations on lien adjustments. The cases were not submitted to the Collections Committee as the Foreclosure Manager found no mitigating factors that would warrant an adjustment.



The subject of Vacant and Distressed Properties was discussed when the Collections Committee last convened. There was consensus that if the property was distressed, vacant, or abandoned, and the property owner had made no attempt to correct the violations, there was no need to submit the case to the Committee.

The Report contains two sections: Exhibit A is the list of properties to be considered for foreclosure. Exhibit B contains case background and summary information for each property that is being presented to Council for approval.