

COUNTY COURT JOURNAL

FILED
4:46p [Signature]
JAN 30 2014

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

TASSI O'NEIL
COUNTY CLERK

In the Matter of Early Termination)
of Tax Foreclosure Redemption) ORDER #14-006
Rights on Certain Property Identified)
as Tax Lot 1N10W21AD06500)

This matter came on to be heard this 29th day of January 2014 at a regular meeting of the Board of Commissioners at which time it appears that the above-referenced parcel of real property, against which the county has a property tax judgment lien, is subject to abandonment and waste.

The Board being fully apprised of the records, files and testimony herein, finds as follows:

1. On October 31, 2012, Tillamook County obtained its Judgment and Decree in Circuit Court Case #12-2102 for the property tax foreclosure of certain real property belonging to Joani Azzone and being described as Lot 7, Block 2, Bayley Park Addition to Garibaldi in Tillamook County, Oregon, and identified as Tax Lot 1N10W21AD06500.
2. Beginning in the fall of 2013 the Board of Commissioner's office received a number of complaints about the condition of the subject property, including complaints of solid waste accumulations, abandoned vehicles and trespass.
3. Pursuant to Tillamook County Ordinance #63, County Counsel issued a notice of public hearing to initiate the early termination proceedings pursuant to said ordinance with the hearing to be held on January 15, 2014. See attached Exhibit A, incorporated herein by reference.
4. Pursuant to Ordinance #63, copies of the notice of public hearing were mailed by certified and first class mail to the last known address of the owner and all lien holders of record. Copies of the return receipts for the certified mail and undeliverable notices are attached as Exhibit B, incorporated herein by reference.
5. Additional copies of the notice were mailed to parties in the neighborhood who had previously requested such notice, as well as to other landowners in the immediate vicinity.

6. Pursuant to the notice, a public hearing was held on January 15, 2014, at which time the following evidence was entered into the record by way of testimony, photographs and other documentation.
 - a. The subject property at 205 Birch Avenue, Garibaldi, Oregon, includes a former church structure, approximately 115 years old, which was described at the hearing as "magnificent" at one time, but has been deteriorating for the past 25 years.
 - b. The structure was solely occupied by the owner, Joani Azzone, until it became so filled with personal property that she could no longer live inside.
 - c. Ms. Azzone then blocked the entrance with bags of garbage and lived in a vehicle in front of the structure.
 - d. It was during this period that utilities to the structure were turned off due to non-payment.
 - e. Joani Azzone passed away in her vehicle in May 2012.
 - f. Neighbors contacted Ms. Azzone's known relatives who disavowed any interest in the property.
 - g. The structure was subsequently broken into, vandalized, burgled, and left open.
 - h. The neighbors secured the structure with a padlock, but access to the building can be had by broken and opened windows.
 - i. Large portions of the roof have been blown off, rains are entering the structure, and further deterioration is occurring.
 - j. Birds are entering and nesting inside the structure.
 - k. Large accumulations of solid waste are strewn over the exterior of the structure.
 - l. Two abandoned cars on the property are also filled with solid waste.
 - m. There is concern by the neighbors that vermin are present on the property.
7. After a diligent record search, no filing of probate proceedings concerning Joani Azzone have been located in Tillamook County.
8. Based on the above conditions, the Board concludes that the property is abandoned and is subject to waste which results in a forfeiture to the County of the right of possession of the property under ORS 312.180
9. Pursuant to the provisions of said Ordinance #63, the Board further concludes that the existence of abandonment and waste of the subject property warrants that the tax foreclosure redemption period be terminated in accordance therewith.

NOW, THEREFORE, IT IS HEREBY ORDERED that any rights of possession that Joani Azzone or her heirs may have in the subject property be and are hereby forfeited, and that the subject property be deeded to the County by the Tillamook County Tax Collector after expiration of a period of 30 days from the date of this order

unless it is sooner redeemed by the owner or any person or entity that then appears in the records of the county to have a lien or other interest in the property.

DATED this 29th day of January, 2014.

BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

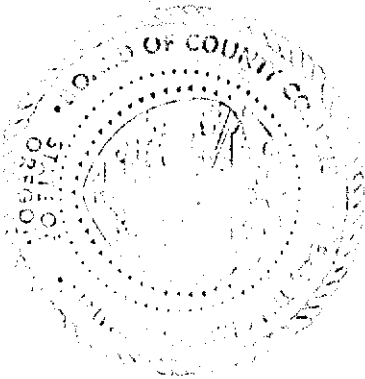
| | Aye | Nay | Abstain/Absent |
|---------------------------------------------------|-----|-----|----------------|
| <u>Bill Baertlein</u> Bill Baertlein, Chair | ✓ | | 1 |
| <u>Tim Josi</u> Tim Josi, Vice-Chair | ✓ | | 1 |
| <u>Mark Labhart</u> Mark Labhart, Commissioner | ✓ | | 1 |

ATTEST: Tassi O'Neil, County Clerk

By: Susan G. Beckett
Special Deputy

APPROVED AS TO FORM:

William K. Sargent
William K. Sargent, County Counsel



NOTICE OF PUBLIC HEARING
CONCERNING WASTE OR ABANDONMENT
OF CERTAIN PROPERTY IN TAX FORECLOSURE

Notice is hereby given that a public hearing will be held before the Board of County Commissioners at 10:30 a.m. on January 15, 2014, in meeting room A, at the Tillamook County Courthouse, 201 Laurel Avenue, Tillamook, Oregon. The purpose of the hearing is to initiate proceedings, pursuant to ORS 312.122 and Tillamook County Ordinance #63, for early termination of the property tax foreclosure redemption period for the hereinafter described real property which is believed to be subject to waste or abandonment.

The particular property that is believed to be subject to waste or abandonment is more particularly described as Lot 7, Block 2, BAYLEY PARK ADDITION TO GARIBALDI, in Tillamook County, Oregon, also known as 1N10 21AD 06500, Tax ID#312058. The property is situated at 205 Birch Avenue, Garibaldi, Oregon. The name of the owner as it appears on the latest tax roll is Joani Azzone.

Tillamook County filed its complaint and application for judgment and decree on September 5, 2012, in Tillamook Circuit Court Case #12-2102. The court entered its judgment and decree on October 31, 2012. The normal date of expiration for the two year redemption period under ORS 312.320 for this parcel is November 1, 2014. If the Board of Commissioners determines that the property is subject to waste or abandonment as provided in Ordinance #63, the property will be deeded to the county immediately after the expiration of 30 days from the date of the Board action, and that any right or interest of any person in the property will be forfeited forever to the county unless the property is redeemed within that 30-day period.

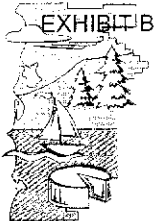
All interested persons may appear at the hearing and be heard, or submit written testimony concerning the matter.

The Tillamook County Courthouse is handicapped accessible. If special accommodations are needed for persons with hearing, visual or manual impairments who wish to participate in the meeting, please contact 503-842-3403 at least 24 hours prior to the meeting in order that appropriate communications assistance can be arranged.



William K. Sargent, County Legal Counsel

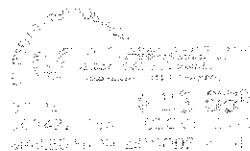
REGISTERED MAIL



Tillamook County
Board of Commissioners
201 Laurel Avenue
Tillamook, OR 97141



7010 3090 0010 4937 0980



12-7-13
3026
DECEASED

JOANI AZZONI
PO BOX 701
GARIBALDI OR 97118

RECEIVED BY THE POST OFFICE AT GARIBALDI, OR

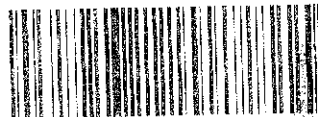
RETURN TO SENDER
NOT NECESSARILY AT ADDRESSEE
UNLESS SO INDICATED

97118070101 01 97118070101 7010-3090-0010-4937-0980
0911 34521

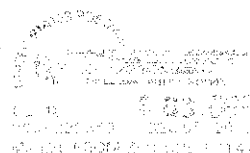
REGISTERED MAIL



Tillamook County
Board of Commissioners
201 Laurel Avenue
Tillamook, OR 97141



7010 3090 0000 4937 1109



KATHARINA KIRKINGBURG
PO BOX 220
TILLAMOOK OR 97141

RECEIVED BY THE POST OFFICE AT TILLAMOOK, OR

RETURN TO SENDER
NOT NECESSARILY AT ADDRESSEE
UNLESS SO INDICATED

97141\$0220 0000 01 97141\$0220 0000 7010-3090-0000-4937-1109
0911 34521

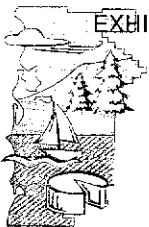
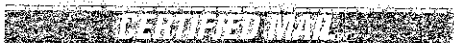


EXHIBIT B

Tillamook County
Board of Commissioners
201 Laurel Avenue
Tillamook, OR 97141

19-30



7030 3090 0000 4937 1093



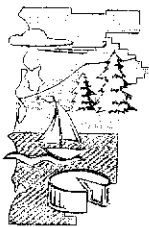
HALLIE KIRKINGBURG
PO BOX 220
TILLAMOOK OR 97141

NOVA 100 20 1000 0111111111

RETURN TO SENDER
UNDELIVERED
UNABLE TO FORWARD

97141 000000

NOV 14 1991 101 1111111111



Tillamook County
Board of Commissioners
201 Laurel Avenue
Tillamook, OR 97141

JOANI AZZONE
PO BOX 701
GARIBALDI OR 97118

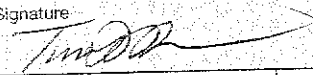
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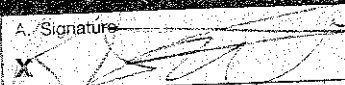
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSEE
UNABLE TO FORWARD

97118 00701
97118 00701

NOV 14 1991 101 1111111111

EXHIBIT B

| SENDER: COMPLETE THIS SECTION | COMPLETE THIS SECTION ON DELIVERY | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| <ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. | <p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X </p> | |
| | B. Received by (Printed Name) Tim Dolan | C. Date of Delivery 12-6-13 |
| 1. Article Addressed to: KENNETH M. KLOSTER c/o TIMOTHY M. DOLAN PO BOX 455 GARIBALDI OR 97118 | D. Is delivery address different from item 1? If YES, enter delivery address below: <input checked="" type="checkbox"/> No | |
| | 3. Service Type: <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. | |
| | 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes | |
| 2. Article Number (Transfer from service label) | 7010 3090 0000 4937 1066 | |
| PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540 | | |

| SENDER: COMPLETE THIS SECTION | COMPLETE THIS SECTION ON DELIVERY | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| <ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. | <p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>X </p> | |
| | B. Received by (Printed Name) | C. Date of Delivery 2/6/13 |
| 1. Article Addressed to: JOANI AZZONE 11865 NW MARYLEE CT PORTLAND, OR 97229-3932 | D. Is delivery address different from item 1? If YES, enter delivery address below: <input type="checkbox"/> No | |
| | 3. Service Type: <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. | |
| | 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes | |
| 2. Article Number (Transfer from service label) | 7010 3090 0000 4937 0973 | |
| PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540 | | |