

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MALHEUR

MALHEUR COUNTY, *a political subdivision of the State of Oregon.*

Plaintiff,

v.

WALTER BALTZOR; ROBERT A. BUCHMAN and PRISCILLA L. BUCHMAN, *co-trustees of the Robert A. Buchman Family Revocable Trust dated November 1, 1998; DONNA B. COLLINS; JACOB DONDERO; PERCY N. GARLICK; RANDY HENDRICKSON; WILLIAM M. IRVINE and NANCY M. IRVINE*, *co-trustees of the Irvine Trust dated November 29, 1989; MARIA E. LOPEZ; SYLVIA F. LOVING; SUE ANNE MECHAM; SHADOW BUTTE ENTERPRISES, LLC; TERESA ANN SMITH; GUNILLA M. WHITE* and also any persons owning or claiming to own or having or claiming to have any interest in any property included in the 2024 Tax Foreclosure List described herein,

Defendants.

Case No.
COMPLAINT

(Application for judgment of foreclosure of tax liens)

CLAIMS NOT SUBJECT TO MANDATORY ARBITRATION

Plaintiff alleges:

1

Plaintiff, a duly organized county and political subdivision of the State of Oregon, through its tax collector is required to commence tax foreclosure proceedings pursuant to ORS 312.050.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

2

Plaintiff has prepared a list of real properties subject to foreclosure for delinquent taxes pursuant to ORS 312.030, which contains the names of the several persons appearing on the latest tax roll as the respective owners of the tax delinquent properties, a description of each such property as the same appears in said latest tax roll, the year or years for which taxes are delinquent on each property, together with the principal amount of the delinquent taxes of each year, and the amount of accrued interest thereon to September 15, 2024. The Tax Foreclosure List is attached as "Exhibit 1" and incorporated herein.

3

The Tax Foreclosure List includes all real properties appearing on the tax rolls in the Office of Malheur County Tax Collector on which taxes, together with all special assessments, fees and other charges, have been delinquent for more than three (3) years from the earliest date of such delinquency. By reason of the expiration of more than three (3) years from the earliest date of delinquency the lien of all such delinquent taxes against each of the properties included in the Tax Foreclosure List has become subject to foreclosure under the provisions of ORS 312.030.

4

The amounts shown by the Tax Foreclosure List to be due and owing against the several parcels of real property described therein include all taxes both prior to and subsequent to 2023-24 which were unpaid and delinquent on May 17, 2024, together with the accrued interest thereon; that the several defendants and each and every other person owning or claiming to own,

1
2 or having or claiming to have any interest in any of said properties have neglected and refused to
3 pay such delinquent taxes and interest; that there is due, owing and unpaid to Plaintiff the sums
4 set out in the Tax Foreclosure List after the description of each of the several properties, and in
5 addition thereto, interest on each of said sums at the rate of sixteen percent (16%) per annum on
6 all delinquencies.

7
8 5

9 The defendants above named include each and every person appearing on the latest tax
10 roll as the owner or owners of the several properties described in the Tax Foreclosure List and
11 the amount of taxes which remain delinquent and unpaid as of August 27, 2024.

12
13 6

14 Where reference is made to a map, tax lot number and account/reference number in
15 describing any parcel of property in the Tax Foreclosure List, such reference is to the record as
16 of January 1, 2024, made and kept by the Office of Malheur County Assessor, which said record
17 is a public record under ORS 308.240.

18
19 7

20 Defendants above named, including any unknown owners, have or claim to have some
21 interest or estate in the properties described in the Tax Foreclosure List, but whatever interest or
22 estate they may have or claim to have is inferior and subject to the tax liens of Plaintiff.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

8

As to each of the properties described in the Tax Foreclosure List that are held under outstanding registration of title certificates, Plaintiff will apply to the court for cancellation of all such certificates and for authorization to take such action as is necessary under Oregon law so as to properly vest title to such properties of record in the Plaintiff.

9

Each of the properties described in the Tax Foreclosure List was duly listed for taxation in or for each of the specified years and the assessments, equalizations, levies of taxes and all other acts required by law to make such taxes first liens on said properties were duly and regularly made and done, and that the liens and claims of Plaintiff to each of the several properties are first liens and paramount to any other interest, title estate or claim in or to any of said properties.

10

Upon sale of the foreclosed properties, Plaintiff may require the assistance of this court to remove persons and property unlawfully occupying foreclosed properties.

WHEREFORE, Plaintiff prays for General Judgment of this court for the full amount of taxes, special assessments, fees or other charges, and interest due on and charged against each of the several properties on the Tax Foreclosure List, together with interest thereon at the rate of sixteen percent (16%) per annum from September 15, 2024 to the date of such General

1 Judgment, and accruing interest on said General Judgment at the legal rate of interest per annum
2 thereafter; and

3
4 For a General Judgment that the amounts of such taxes, special assessments, fees or other
5 charges and interest are first liens on the respective parcels of real property included in the Tax
6 Foreclosure List; and that such liens are paramount and superior to any and all claims to such
7 properties by defendants, or any of them by any person known or unknown, owing or claiming to
8 own, or having or claiming to have any lien thereon, or right, title or interest therein, and that
9 each and all of them be forever foreclosed and barred from asserting any claims whatsoever to
10 any of said real properties adverse to the liens and claims of Plaintiff, its successors or assigns,
11 excepting only the right of redemption provided by law; and that the several properties against
12 which the General Judgment is entered shall be ordered sold to Malheur County for the
13 respective amounts of taxes and interest for which such properties are severally liable; and
14
15

16
17 That the Clerk of the Court be directed to serve on the Tax Collector of Malheur County,
18 a certified copy of the General Judgment, included in which shall be a list of the properties so
19 ordered sold, with the amounts due thereon; and that said General Judgment, shall constitute and
20 be considered to all intents and purposes a certificate of sale to Malheur County for each of the
21 properties therein described; that where any parcel of real property covered by such General
22 Judgment is under a registration of title certificate, such certificate shall be cancelled, and that
23 such further action shall be taken under the provision of Oregon Laws so as to properly vest title
24 to such properties in the Plaintiff; that said Tax Collector shall take further steps in the matter as
25 are provided by law; and for such other and further relief as may be just and equitable in the
26

1
2
3 premises, including as appropriate the remedies of Writ of Assistance or Writ of Execution to
4 obtain possession of the foreclosed properties.

5 Dated this 21st day of August 2024.

6
7 s/Stephanie Williams _____
8 County Counsel, Malheur County, Oregon
9 OSB #925449
10 swilliams@malheurco.org
11 Attorney for Plaintiff
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

2024 FORECLOSURE LIST

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

TAX TAX INT TO TOTAL
YEAR AMT 9/15/2024 AMOUNT

MAP/LOT 30S4236BB 200 CODE- 40
ACCT#- 12472 BALZOR, WALTER
GARLICK, PERCY N.

2020/21	6.82	3.91	10.73
2021/22	7.03	2.91	9.94
2022/23	7.24	1.80	9.04
<u>2023/24</u>	<u>7.45</u>	<u>0.66</u>	<u>8.11</u>
TOTAL	28.54	9.28	37.82

MAP/LOT 32S4105 2800 CODE- 39
ACCT#- 12161 BUCHMAN, ROBERT A.
BUCHMAN, PRISCILLA L.
*co-trustees of the Robert A. Buchman Family
Revocable Trust dated November 1, 1998*

2020/21	2.86	1.63	4.49
2021/22	3.11	1.28	4.39
2022/23	3.01	0.75	3.76
<u>2023/24</u>	<u>3.09</u>	<u>0.27</u>	<u>3.36</u>
TOTAL	12.07	3.93	16.00

MAP/LOT 18S4707DA 1702 CODE- 15
ACCT#- 8228 COLLINS, DONNA B.

2020/21	828.45	474.95	1,303.40
2021/22	841.39	347.74	1,189.13
2022/23	856.73	213.21	1,069.94
<u>2023/24</u>	<u>875.40</u>	<u>77.79</u>	<u>953.19</u>
TOTAL	3,401.97	1,113.69	4,515.66

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

MAP/LOT 32S4105 800 CODE- 39
ACCT#- 12162 DONDERO, JACOB

2020/21	6.39	3.67	10.06
2021/22	6.94	2.87	9.81
2022/23	6.72	1.68	8.40
<u>2023/24</u>	<u>6.93</u>	<u>0.62</u>	<u>7.55</u>
TOTAL	26.98	8.84	35.82

MAP/LOT 18S4706A 2900 CODE- 15
ACCT#- 18542 HENDRICKSON, RANDY
SMITH, TERESA ANN

2020/21	291.16	166.92	458.08
2021/22	295.81	122.26	418.07
2022/23	301.30	74.98	376.28
<u>2023/24</u>	<u>307.98</u>	<u>27.37</u>	<u>335.35</u>
TOTAL	1,196.25	391.53	1,587.78

MAP/LOT 18S4706A 2900 CODE- 15
ACCT#- 903776 HENDRICKSON, RANDY
SMITH, TERESA ANN

2020/21	153.11	87.56	240.67
2021/22	156.38	64.64	221.02
2022/23	154.78	38.53	193.31
<u>2023/24</u>	<u>188.19</u>	<u>16.72</u>	<u>204.91</u>
TOTAL	652.46	207.45	859.91

MAP/LOT 31S41 17600 CODE- 39
ACCT#- 11977 IRVINE, WILLIAM M.
IRVINE, NANCY M.
*co-trustees of the Irvine Trust
dated November 29, 1989;*
MECHAM, SUE ANNE

2020/21	22.28	12.78	35.06
2021/22	24.11	9.96	34.07
2022/23	23.43	5.84	29.27
<u>2023/24</u>	<u>24.15</u>	<u>2.15</u>	<u>26.30</u>
TOTAL	93.97	30.73	124.70

1				
2	MAP/LOT 25S40	700	CODE-	16
3	ACCT#-	8969	LOPEZ,	MARIA E.
4	2020/21	6.07	3.48	9.55
5	2021/22	6.55	2.71	9.26
6	2022/23	6.36	1.58	7.94
7	<u>2023/24</u>	<u>6.56</u>	<u>0.58</u>	<u>7.14</u>
8	TOTAL	25.54	8.35	33.89
9				
10	MAP/LOT 30S41	1203	CODE-	39
11	ACCT#-	11768	LOVING,	SYLVIA F.
12	2020/21	5.52	3.16	8.68
13	2021/22	6.00	2.49	8.49
14	2022/23	5.82	1.44	7.26
15	<u>2023/24</u>	<u>6.01</u>	<u>0.54</u>	<u>6.55</u>
16	TOTAL	23.35	7.63	30.98
17				
18	MAP/LOT 34S38	2100	CODE-	41
19	ACCT#-	12516	LOVING,	SYLVIA F.
20	2020/21	58.32	33.43	91.75
21	2021/22	59.81	24.72	84.53
22	2022/23	60.91	15.15	76.06
23	<u>2023/24</u>	<u>62.66</u>	<u>5.57</u>	<u>68.23</u>
24	TOTAL	241.70	78.87	320.57
25				
26	MAP/LOT 18S4707	4100	CODE-	1
27	ACCT#-	20763	SHADOW BUTTE ENTERPRISES LLC	
28	2020/21	4,490.67	2,473.00	6,963.67
29	2021/22	7,129.06	2,946.45	10,075.51
30	2022/23	7,671.92	1,909.29	9,581.21
31	<u>2023/24</u>	<u>7,138.85</u>	<u>634.40</u>	<u>7,773.25</u>
32	TOTAL	26,430.50	7,963.14	34,393.64
33				
34	MAP/LOT 18S4705DA	3400	CODE-	1
35	ACCT#-	1768	WHITE,	GUNILLA M.
36	2020/21	868.04	469.59	1,337.63
37	2021/22	2,162.38	893.70	3,056.08
38	2022/23	2,219.13	552.27	2,771.40
39	<u>2023/24</u>	<u>2,280.14</u>	<u>202.63</u>	<u>2,482.77</u>
40	TOTAL	7,529.69	2,118.19	9,647.88