

TITLE 1
CHAPTER 7

LIENS AND ASSESSMENTS

SECTION:

- 1-7-1: Delinquent Lien Foreclosure
- 1-7-2: Certificates of Liens Search

1-7-1: DELINQUENT LIEN FORECLOSURE:

- A. Method Adopted:
 - 1. In addition to the method now provided by law, or by ordinance of the City, there is hereby adopted by the City the provisions of ORS 223.505 through 223.595. (1981 Code)
 - 2. Except as herein provided the foreclosure of liens shall follow the method provided in said Statutes which are hereby adopted as the method, in addition to any other method to be used by the City, of enforcing sewer, street or sidewalk liens.
- B. Recorder's Lien Docket: The City Recorder is hereby designated as the officer to have the custody and keep the Recorder's lien docket and to prepare and transmit the foreclosure list made from the docket of City liens.
- C. Collection of Liens: The City Recorder is hereby designated by the City as the officer to have charge of the collection of assessment liens and the foreclosure of the same, and the Recorder shall prepare and transmit to the City Treasurer from time to time as directed by Council, City liens which are subject to foreclosure.
- D. Foreclosure by Treasurer: The certificate of sale provided for in the Statute referred to in subsection A above shall be signed by the City Treasurer and the entire proceedings of foreclosure shall be conducted by the City Treasurer and he shall make his return to the Recorder. (Ord. 214, 1-49)

1-7-2: CERTIFICATES OF LIENS SEARCH:

- A. Certificates Issued: The City Recorder is hereby authorized and directed to make searches of the lien records of the City and to issue certificates concerning the existence of liens upon property within the City after receiving applications for such certificates and the fees provided for in this Section.
- B. Certificate Content: The certificates of lien search authorized by this Section shall contain a description of the property involved, shall set forth any lien or liens that may be recorded in the lien records of the City on the date that such certificate is issued, and shall be directed and issued to the applicants for such certificate. (Ord. 556, 9-2-75)
- C. Fee Required: For each certificate of lien or non-lien of the City requested by anyone and issued by the City Recorder after first searching the City's lien docket to determine whether or not a lot, tract or parcel of real property located within the City is subject to any City lien there shall be paid to the City Recorder a fee to be set by resolution. Such fee shall accompany the request to the City Recorder for the lien search or at the discretion of the City Recorder, shall be invoiced to the person requesting the lien search upon delivery to the requesting party of the lien or non-lien certificate. (Ord. 556, 9-2- 75; amd. 1981 Code)
- D. Separate Certificates Required: The City Recorder shall issue a separate certificate and shall collect a separate fee for each distinct and contiguous parcel of land for which an application for certificate is made.
- E. Liability Limitation: No person other than a party to whom a certificate shall be directed and issued shall be entitled to rely upon any information contained in a certificate of lien in the City; and the City shall assume no responsibility, and shall have no liability to any third person as a result of issuing any

certificate of lien. There shall be no liability for an error in a certificate in excess of the actual loss to the party to whom a certificate has been issued; and such damages shall, in no event, exceed the amount of the omitted lien or liens existing upon the property in question on the date of the issuance of the certificate. There shall also be no liability where any of the persons to whom a certificate has been issued has the knowledge or notice of the lien, or has suffered a loss through their own neglect or carelessness. In any case, where the City shall be liable for damages in the issuance of a certificate of lien search it shall, upon payment of such damage, become subrogated to all of the rights of the damaged party, and shall be entitled to an assignment of such rights against any and all third parties who may be liable for such damage. (Ord. 556, 9-2-75)