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

**DESCHUTES COUNTY, a political
subdivision of the State of Oregon,**

Plaintiff,

v.

**VALERIE Q. COOK, RANDALL E.
DAVIS, MARIO FIVECOATS, EDMOND
FRANCIS FUNTANELLAS, ELLEN L.
HALLADAY, KEVIN HALLADAY,
MILLARD T. HOLT JR., REBECCA J.
HOLT, DAVID V. HYLAND II, KODY
KEARCHER, GREGORY EDWARD
KENNERLY, JAMES W. KILGORE,
TERRY A. KILGORE, WILLIAM J.
LEWIS, DIANE LEWIS, CHAD H. MAY,
SANDRA J. MAY, GIULIAN J.
CZWARKIEL TESTAMENTARY
TRUST, WILLIAM PELLETT TRUSTEE
GIULIAN J. CZWARKIEL
TESTAMENTARY TRUST, TKW
LIMITED PARTNERSHIP and JAMES
WESLEY WRIGHT II,**

Defendants.

Case No.:

**COMPLAINT (ORS 312.060 Application
for Judgment of Foreclosure of Tax Liens)**

**CLAIMS NOT SUBJECT TO
MANDATORY ARBITRATION**

Plaintiff, DESCHUTES COUNTY, through its attorney of record, David Doyle,
Deschutes County Legal Counsel, alleges as follows:

1. Plaintiff, Deschutes County, a political subdivision of the State of Oregon
("Plaintiff"), through its tax collector, is required to commence tax lien foreclosure proceedings
pursuant to ORS 312.050.

1 2. Plaintiff has prepared a list of those real properties within Deschutes County that
2 are subject to foreclosure for delinquent property taxes pursuant to ORS 312.030 (the “Tax
3 Foreclosure List”). The Tax Foreclosure List contains the names of the persons appearing on the
4 latest tax roll as the respective owners of the tax delinquent properties, a description of each such
5 property as the same appears in the latest tax roll, the year or years for which taxes were
6 delinquent on each property, together with the principal amount of the delinquent taxes of each
7 year and the amount of accrued interest thereon through August 16, 2024. A certified true copy
8 of the Tax Foreclosure List is attached as Exhibit “1” hereto.

9 3. On August 16, 2024, the Tax Foreclosure List was published in the Bend Bulletin,
10 a newspaper of general circulation published in this County and designated by Order of the
11 Board of County Commissioners as the newspaper in which the Tax Foreclosure List should be
12 published.

13 4. Subsequent to Plaintiff’s preparation of the Tax Foreclosure List, but prior to the
14 filing of this Complaint, Plaintiff accepted payment of delinquent taxes for several of the
15 properties identified in the Tax Foreclosure List, thus rendering those properties ineligible for
16 foreclosure under ORS 312.030. The properties rendered ineligible for foreclosure (the “Exempt
17 Properties”) are denoted via “strike-through” on the Tax Foreclosure List attached hereto as
18 Exhibit “1”, and their owners of record have not been made defendants in this action.

19 5. The above-captioned defendants (the “Defendants”) are the current owners of
20 properties identified on the Tax Foreclosure List for which, as of the date of filing of this
21 Complaint, taxes are delinquent for more than three (3) years from the earliest date of such
22 delinquency (the “Subject Properties”). Plaintiff’s lien of all such delinquent taxes against each
23 of the Subject Properties has become subject to foreclosure under ORS 312.030. Defendants,
24 and each and every other person owning, or claiming to own, or having or claiming to have an
25 interest in any of said Subject Properties have neglected and refused to pay such delinquent taxes

1 and interest as of the date of the filing of this Complaint. There is now due, owing and unpaid to
2 Plaintiff the sums set out in said Tax Foreclosure List, plus interest on such sums at the rate of
3 sixteen percent (16%) per annum from August 16, 2024 until date of judgment.

4 6. The Defendants include each and every person appearing on the latest tax roll as
5 the owner or owners of the Subject Properties.

6 7. The Defendants, including unknown persons, have or claim to have some interest
7 or estate in the Subject Properties described in the Tax Foreclosure List, but whatever interest or
8 estate they may have or claim to have is inferior and subject to the tax liens of Plaintiff.

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

15 9. Upon sale of the foreclosed Subject Properties, Plaintiff may require the
16 assistance of this Court to remove persons and property unlawfully occupying the foreclosed
17 Subject Properties. For this reason, Plaintiff requests that this court retain jurisdiction after entry
18 of judgment for purposes of enforcing the judgment including, if necessary, issuance of any writs
19 of assistance and/or writs of execution.

20 WHEREFORE, Plaintiff prays for Judgment of this court:

21 1. For the full amount of taxes, fees (including, without limitation, publication fee
22 and foreclosure fee) and interest due on and charged against each of the Subject Properties on the
23 Tax Foreclosure List, together with interest thereon at the rate of sixteen percent (16%) per
24 annum from August 16, 2024 to the date of judgment, and interest on said Judgment at the rate of
25 nine percent (9%) per annum; and

DESCHUTES COUNTY 2024 FORECLOSURE LIST

The Tax Collector of Deschutes County, Oregon, has prepared the following list of all properties now subject to foreclosure and henceforth constituting the Foreclosure List. The Foreclosure List contains the names of the person(s) appearing in the latest tax roll as respective owners of tax delinquent properties, a description of each property as the same appears in the latest tax roll, the year or years for which taxes, special assessments, fees or other charges are delinquent on each property, together with the principal of the delinquent amount of each year and the amount of accrued and accruing interest thereon through August 16, 2024. To all persons or properties herein named and identified and to all persons owning or claiming to own, or having or claiming to have, any interest in any property included in the following Foreclosure List:

Exhibit 1

TAX ACCT	OWNER NAME SITUS ADDRESS	MAP NO.	YEARS	DELINQ TAXES	INTEREST TO 8/16/24	TOTAL DUE
137788	COOK, VALERIE Q 55387 BIG RIVER DR BEND, OR 97707	201026-D0-07300	2023-24	1,357.38	120.66	1,478.04
			2022-23	1,251.15	311.39	1,562.54
			2021-22	1,223.62	505.77	1,729.39
			2020-21	1,164.14	667.43	1,831.57
			2019-20	487.19	342.04	829.23
			2018-19	473.57	408.23	881.80
					Total due:	8,312.57
140879	DAVIS, RANDALL E 15601 DEEDON RD LA PINE, OR 97739	211033-B0-01400	2023-24	604.25	53.71	657.96
			2022-23	566.80	141.07	707.87
			2021-22	553.01	228.58	781.59
			2020-21	519.47	297.83	817.30
					Total due:	2,964.72
113218	FERGUSON, COLE 20516 BOWERY LN BEND, OR 97703	171209-B0-00700	2023-24	5,139.82	456.87	5,596.69
			2022-23	4,886.06	1,216.08	6,102.14
			2021-22	4,768.57	1,971.01	6,739.58
			2020-21	4,498.11	2,578.75	7,076.86
					Total due:	25,515.27
114295	FIVECOATS, MARIO 52530 RAILROAD ST LA PINE, OR 97739	211036-DB-01000	2023-24	536.98	47.74	584.72
			2022-23	499.47	124.32	623.79
			2021-22	488.81	202.05	690.86
			2020-21	466.54	267.45	733.99
					Total due:	2,633.36
114581	HUSBAND, ROBERT W FLERCHINGER, RAY & LISA (CB) 52321 DUSTAN RD LA PINE, OR 97739	221004-B0-03300	2023-24	1,504.91	133.77	1,638.68
			2022-23	1,381.26	343.78	1,725.04
			2021-22	1,349.26	557.70	1,906.96
			2020-21	1,280.15	733.95	2,014.10
					Total due:	7,284.78
101780	FUNTANELLAS, EDMOND FRANCIS 2094 NW CASCADE VIEW DR BEND, OR 97703	171230-CC-07500	2023-24	1,155.84	102.74	1,258.58
			2022-23	1,111.83	276.72	1,388.55
			2021-22	1,080.15	446.46	1,526.61
			2020-21	1,024.84	587.58	1,612.42
					Total due:	5,786.16
101781	FUNTANELLAS, EDMOND FRANCIS 2095 NW TRENTON AVE BEND, OR 97703	171230-CC-07400	2023-24	7,276.55	646.80	7,923.35
			2022-23	6,998.87	1,741.95	8,740.82
			2021-22	6,799.21	2,810.34	9,609.55
			2020-21	6,450.46	3,698.26	10,148.72
					Total due:	36,422.44
143280	HALLADAY, ELLEN L C/O KEVIN HALLADAY 33278 HWY 20 BROTHERS, OR 97712	201714-00-00800	2023-24	17.99	2.16	20.15
			2022-23	16.94	4.74	21.68
			2021-22	17.00	7.71	24.71
			2020-21	15.98	9.80	25.78
					Total due:	92.32
139701	HOLT, MILLARD T JR & REBECCA J 15855 BURLWOOD LN LA PINE, OR 97739	211021-D0-08700	2023-24	1,394.52	123.96	1,518.48
			2022-23	1,280.37	318.67	1,599.04
			2021-22	1,250.76	516.98	1,767.74
			2020-21	1,186.97	680.53	1,867.50
					Total due:	6,752.76
135513	HYLAND, DAVID V II 69310 SCABBARD SISTERS, OR 97759	141031-D0-04200	2023-24	3,839.72	341.31	4,181.03
			2022-23	3,650.53	908.58	4,559.11
			2021-22	3,561.73	1,472.19	5,033.92
			2020-21	3,383.03	1,939.60	5,322.63
					Total due:	19,096.69

115698	KEARCHER, KODY 16990 COVINA RD BEND, OR 97707	201012-B0-00200	2023-24	2,556.16	227.21	2,783.37
			2022-23	2,357.56	586.77	2,944.33
			2021-22	2,300.40	950.83	3,251.23
			2020-21	2,166.68	1,242.23	3,408.91
			2019-20	1,714.73	1,241.77	2,956.50
			Total due:	15,344.34		
120708	KENNERLY, GREGORY EDWARD 61584 ROCKWAY TER BEND, OR 97702	181210-BA-02800	2023-24	2,596.25	230.78	2,827.03
			2022-23	2,497.12	621.51	3,118.63
			2021-22	2,425.95	1,002.73	3,428.68
			2020-21	1,028.32	558.88	1,587.20
			Total due:	10,961.54		
140720	KILGORE, JAMES W & TERRY A 52714 RAINBOW DR LA PINE, OR 97739	211032-A0-00500	2023-24	2,453.01	218.05	2,671.06
			2022-23	2,257.79	561.94	2,819.73
			2021-22	2,203.49	910.77	3,114.26
			2020-21	2,196.88	1,249.16	3,446.04
			Total due:	12,051.09		
149986	KODIAK VENTURES LLC 34080 HWY 20 BROTHERS, OR 97712	201800-00-02401	2023-24	1,822.76	162.02	1,984.78
			2022-23	1,711.62	426.01	2,137.63
			2021-22	1,714.20	708.53	2,422.73
			2020-21	1,606.97	921.33	2,528.30
			Total due:	9,073.44		
113769	LEWIS, WILLIAM J & DIANE 53442 POLE PINE RD LA PINE, OR 97739	211022-B0-09400	2023-24	1,691.24	150.34	1,841.58
			2022-23	1,551.54	386.16	1,937.70
			2021-22	1,515.37	626.35	2,141.72
			2020-21	1,437.30	824.05	2,261.35
			Total due:	8,182.35		
115696	MAY, CHAD H & SANDRA J 16958 COVINA RD BEND, OR 97707	201012-B0-00600	2023-24	5,460.46	485.37	5,945.83
			2022-23	5,030.21	1,251.96	6,282.17
			2021-22	4,906.37	2,027.97	6,934.34
			2020-21	2,878.00	1,587.93	4,465.93
			Total due:	23,628.27		
139078	MILLARD, TAB & MARCIE 16120 SPARKS DR LA PINE, OR 97739	211015-B0-05800	2023-24	1,183.34	405.19	1,288.53
			2022-23	1,093.18	272.08	1,365.26
			2021-22	1,067.61	441.28	1,508.89
			2020-21	1,016.16	582.60	1,598.76
			Total due:	5,761.44		
110170	GIULIAN J CZWARKIEL TESTAMENTARY TRUST PELLETT, WILLIAM TRUSTEE 60507 TALL PINE AVE BEND, OR 97702	181220-D0-01000	2023-24	4,154.47	369.29	4,523.76
			2022-23	3,952.61	983.76	4,936.37
			2021-22	3,859.06	1,595.08	5,454.14
			2020-21	3,646.97	2,090.92	5,737.89
			Total due:	20,652.16		
171965	TKW LIMITED PARTNERSHIP 17850 WEST CORE RD SUNRIVER, OR 97707	191129-BA-80010	2023-24	4,253.25	378.06	4,631.31
			2022-23	4,082.66	1,016.13	5,098.79
			2021-22	3,884.43	1,605.57	5,490.00
			2020-21	3,673.69	2,106.25	5,779.94
			Total due:	21,000.04		
139079	WRIGHT, JAMES WESLEY II 16132 SPARKS DR LA PINE, OR 97739	211015-B0-05700	2023-24	949.53	84.40	1,033.93
			2022-23	878.32	218.61	1,096.93
			2021-22	858.22	354.73	1,212.95
			2020-21	458.33	251.88	710.21
			Total due:	4,054.02		

YOU ARE HEREBY REQUIRED TO TAKE NOTICE that Deschutes County, Oregon has on this 16th day of August, 2024, filed in the Circuit Court of the State of Oregon for Deschutes County, an Application for Judgment of Foreclosure to foreclose the lien of all taxes shown on the Deschutes County 2024 Foreclosure List, set forth herein, and that Deschutes County, as Plaintiff in said proceeding will apply to the Court for General Judgment of Foreclosure which shall foreclose such tax liens not less than thirty (30) days from the date of this Notice. Any, and all, persons interested in any of the real property included in said Foreclosure List are hereby required to file answer and defense, if any, to such Application for Judgment of Foreclosure within thirty (30) days from the date of the publication of this Notice, which publication date is August 16, 2024. You may call the Deschutes County Tax Collector's office at (541) 388-6540 for a current total balance, including interest, on the day of payment. A copy of the Application for Judgment of Foreclosure can be viewed by clicking the "Foreclosure Lawsuit" link found at www.deschutes.org/legalcounsel. Publication of this Notice is in compliance with ORS 312.040.

ROBERT TINTLE, Tax Collector
Deschutes County, Oregon

DAVID DOYLE, Legal Counsel
Deschutes County, Oregon

EXHIBIT 1 - 2