

Submitter: Robert Emmons

On Behalf  
Of: LandWatch Lane County

Committee: House Committee On Agriculture, Land Use, Natural Resources, and  
Water

Measure: HB3362

House Committee for Agriculture, Land Use, Natural Resources and Water  
Re: HB 3362

Chair Helm and Committee Members:

Please accept the following comments on behalf of LandWatch Lane County, a non-profit that has worked for over 25 years to protect Lane County's farm and forest land, natural areas and open space.

The case behind this bill, involving the revocation of illegal lots that resulted from the fraudulent manipulation of Lane County records, was appealed to the Oregon Court of Appeals. That's where its fate should be decided, not in a premature end run through preemptive legislation.

HB 3362 claims to be a remedy for the two ("innocent") families who were victimized by doctored deeds and description cards, and Mr. Hunnicutt has suggested that Lane County bears some blame for what transpired. But, as our attorney Sean Malone has pointed out, the blame belongs to the person who perpetrated the fraud and betrayed her own clients, and all the forensic evidence that came to light in the hearing on this matter points unequivocally to Kim O'Dea.

Consequently, the Johnsons and Vogels have recourse to ORS 92.018, which allows anyone who buys a piece of land that is not lawful to bring action against the seller and to recover attorney fees if successful. The Johnsons and Vogels were victims of a criminal act, and the proper venue for a fix is circuit court not a bill that will relieve the perpetrator. Instead of pursuing this remedy, however, the two families have spent their time defending Ms. O'Dea and blaming Lane County for their troubles.

Because a legal remedy already exists, LandWatch cannot support HB 3362 or its amendments, and we urge you to deny it as well.

Thank you.

Robert Emmons, President

LandWatch Lane County