



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 11/15/12
Agenda Item #: R.2
Est. Start Time: 10:15 am
Date Submitted: 11-7-12

Agenda Title: **Authorizing the County Attorney to Join in a Lawsuit Against the Mortgage Electronic Registration System, Inc. ("MERS") and Member Banks.**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Requested Meeting Date: November 15, 2012 **Amount of Time Needed:** 5 minutes
Department: Non-Departmental **Division:** County Attorney
Contact(s): Jenny Morf
Phone: (503) 988-3138 **Ext.** 83138 **I/O Address:** 503/5/500
Presenter(s): Matthew Ryan, Nicholas Kahl, and Thomas D'Amore

General Information

1. What action are you requesting from the Board?

Approval for County Attorney to file a lawsuit against the Mortgage Electronic Registration System, Inc ("MERS") and member banks.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

The County Attorney's Office seeks to partner with outside counsel to bring a lawsuit against MERS and member banks for damages and injunctive relief for failure to properly record mortgage transfers with the County. If approved, a lawsuit will be filed in the immediate future.

3. Explain the fiscal impact (current year and ongoing).

The County is responsible for costs incurred in the litigation. The costs are capped at \$20,000.00 and expenditures of over \$1,500.00 must be first approved by the County Attorney. Outside counsel is taking the case on a contingency basis and any available fee would only be payable as a percentage of damages recovered in the litigation.

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4. Explain any legal and/or policy issues involved.

On February 22, 2007, the Board adopted Resolution 07-037 delegating to the County Attorney authority to initiate legal proceedings upon approval by the Board of County Commissioners.

5. Explain any citizen and/or other government participation that has or will take place.

Required Signature

**Elected Official or
Department/
Agency Director:**



Date: 11/7/12
