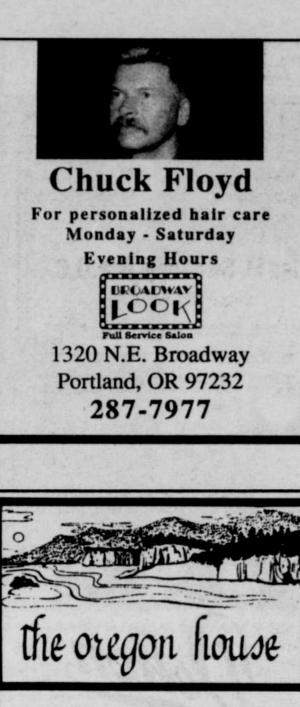
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Last Sunday, Jeanette Williams did something about AIDS.

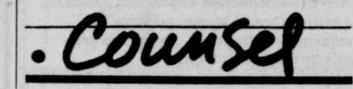
Forfeiture laws

Ignorance of the new forfeiture laws may cost your your automobile or your home

BY BRADLEY J. WOODWORTH

Disclaimer Note: No two legal situations are exactly the same. This column discusses general legal principles only. For specific advice, consult your lawyer.

he City of Portland recently adopted new ordinances that permit it to seize and retain vehicles that are involved in prostitution, or are driven by repeat drunk drivers or repeat suspended drivers. These new ordinances have received considerable play in the local press. However, there are some wrinkles to these ordinances that you may not be aware of. In this case, ignorance could cost you your motor vehicle.



There are also older laws which permit government entities to seize and retain property used in distributing illegal drugs, and property purchased with proceeds of illegal drug sales. If either of these laws are applied to you, you could stand to lose valuable property. This column discusses some aspects of these "forfeiture" laws that you should be aware of.

New forfeiture laws

Under new City of Portland ordinances, a vehicle that is used in street prostitution, or a vehicle driven by a repeat drunk driver or repeat suspended driver may be seized by the city and sold to the highest bidder with no compensation to the owner of the forfeited property.

There have been several highly publicized "sweeps" and undercover operations to publicize these new laws. Even if you have never been convicted of drunk driving, or never had your license suspended, or have never picked up a prostitute, you could still

that could cost your car include lending your car to someone you know to be a repeat drunk driver, especially if they are intoxicated at the time you let them use the car. You are taking a big risk any time you lend your car to a person who you do not know to be a valid licensed driver, and not under the influence of intoxicants. If you are out with one of your friends or roommates who decide to go home early and you give your intoxicated friend the keys to your car, you could end up losing it.

Should you ever be stopped by a police officer for driving while suspended, driving under the influence, or a prostitution offense, you should immediately invoke your right to remain silent, and not make any statements to the police officer about what you are engaged in. It happens too often that persons volunteer information that helps to make the case against them.

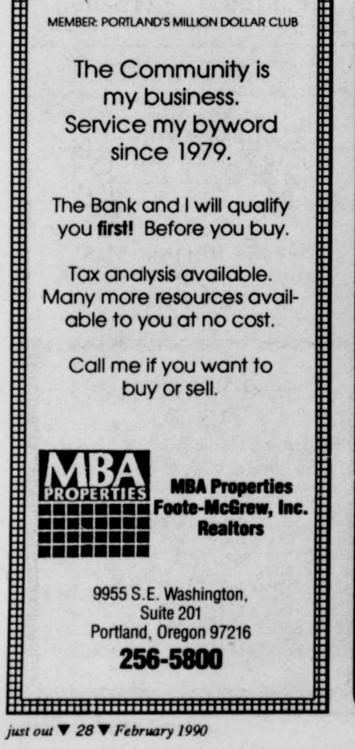
Old forfeiture laws

For sometime, state and county authorities have been able to seize and retain property used in the distribution of illegal drugs, and property obtained with proceeds of illegal drug sales. In a typical scenario, a drug dealer will use his car to peddle his wares. If he is caught in the process, the vehicle is subject to forfeiture.

Another typical scenario is indoor cultivation of marijuana. If the offender is caught, the county may elect to seize the house in which the growing took place. Thus, if you have a roommate or friend residing in a house with you, and they have an illegal drug operation there, you stand to lose your interest in the house as well.

A less common, but still possible scenario could involve taking delivery of controlled substances in a parked vehicle. For example, if you decide to buy a small amount of illegal drugs from someone, and you go "out to your car" to effect the transaction, and are caught in the act, the vehicle may be subject to seizure and forfeiture.

These older forfeiture laws have been tested in court, and generally found to be constitutional. The new City of Portland forfeiture ordinances have not yet been tested in court, and may turn out to be unconstitutional in some regards. Nonetheless, you probably do not wish to be the one to incur the substantial expense and trouble of challenging a forfeiture law. Until these laws are challenged and tested, you should be aware of them at all times, and take appropriate cautions to protect your property.

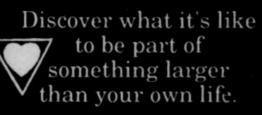


She took a walk through Laurelhurst Park with Charles and listened.

Listening, simply being there, can make a real difference to someone living with HIV disease. That's what PALs do.

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CASCADE AIDS PROJECT

lose your car.

One of the recent Portland car seizures involved a man who picked up an undercover police decoy on 82nd Avenue. Not only was he arrested for prostitution, but the vehicle he was driving was impounded by the city and might not be returned to the owner.

Also, if you are the owner of a vehicle and someone else uses it in one of the prohibited ways, you could still lose your car. For example, the city is presently attempting to sell off a vehicle driven by the friend of the vehicle owner. The "friend" lent his car to the defendant, knowing that the defendant had a suspended license. Other possible scenarios

The author is an attorney in private practice and maintains his office in the Crown Plaza Building in downtown Portland.

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