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Lost by Fraud and Deceit

CONTINUED FROM FRONT

to an economic displacement of Black residents.

The Kinneys were one of the few African American and Native American families still remaining in the once majority-Black neighborhood when sheriff's deputies came armed with guns this summer to enforce an eviction order in their mortgage dispute, forcibly removing the elderly William Kinney Jr., his wife Julie Metcalf and their two adult sons.

The family traces ownership of the home to 1955 when it was purchased by William Kinney Sr., Nietzsche's grandfather who moved to Portland from the South. The house was passed to William Kinney Jr., his father, in the early 1990s.

Currently the family is working on two pending appeals to get the property returned to them. One is before the federal Ninth Circuit and the other is before the Oregon Supreme Court.

Earlier court decisions in the cases were "riddled with errors," Nietzsche said, facts the younger family member learned by researching and acting as his own attorney.

"I've had to develop a legal mind," Nietzsche told the Portland Observer, calling it "A nitty, gritty" experience that he compared to going to law school.

He said the family's foreclosure and eviction dispute goes back to

the predatory subprime loans the banking mortgage industry made in minority communities and that were tied to the 2008 financial crisis.

He said his family had a relatively small second mortgage and it was not in default, paying faithful payments for 14 years when a second mortgage that the Kinneys did not sign off on or authorize in the refinance process triggered a default claim.

The case led to the family's claims against the Freedom Home Mortgage Corporation, and the Mortgage Electronic Registration System or MERS, a creation of some of the biggest lenders in the banking mortgage industry to avoid having to record property deeds and titles when a loan is bought and sold.

MERS was called a racket that made it difficult for people facing problems with their mortgages to know whom to deal. Multnomah County and the state of Oregon sued MERS for not following Oregon law which requires the recording of trust deeds.

The county won a \$40 million settlement against MERS in 2016 to recover lost revenue from fees that would have been paid for recording property transactions, but under terms of a settlement, MERS was exempted from facing any new lawsuits, including from the Kinneys, Nietzsche said.

The family also laments the fact it is not benefitting from cur-

rent moratoriums on evictions imposed this year during the coronavirus pandemic by both Multnomah County and the state of Oregon. Although local law requires multiple forms of notification prior to evictions, the Kinneys said they received no notice before the sheriff patrol came to forcefully evict them in September.

Nietzsche said he has contacted county officials and his State Representative Tawna Sanchez for help, but has found that "No one knows how to enforce the moratoriums."

Oregon, like many states, also offers a "right of redemption" which allows people whose homes have been foreclosed on to buy them back. But the Kinneys also discovered the right did not apply in their case because the eviction was from a non-judicial proceeding.

The Kinneys are currently seeking pro bono legal support, intervention from Gov. Kate Brown or help from others who could potentially reverse the foreclosure and return a home that is rightfully theirs. Any qualified attorneys who are open to providing consultation and other legal assistance are encouraged to contact the family via their website redhouseonmississippi.com or via Instagram @redhouseonmississippi.

A Go Fund Me page has also been set up at gofundme.com/f/save-the-kinney-family-home.

Murals Showcase Black History

CONTINUED FROM PAGE 2

mony. His mother, the late Opal Strong is depicted in one of the panels, a moment from 1961, when Mrs. Strong organized a neighborhood improvement committee and secured a large government grant to beautify and revitalize Black Portland neighborhoods. They planted over 500 trees including several cherry trees that Todd depicted in the mural.

Todd's other panels depict the displacement of Black residents

by urban renewal and Emanuel Hospital expansion in the 1970s; the fight to open Harriet Tubman School to specifically serve the Black community in 1982; and powerful images of resistance to racial injustices in policing. The mural ends with hope for the future by depicting two intersecting streets named Peace and Justice.

Fadyen and Frazzini enlisted Todd to create the murals along their back fence, which runs along the Haight Avenue and the Going Street walkway. The couple had

been impressed by a Black Lives Matter mural Todd had recently created along another fence on Kerby Avenue in the same neighborhood.

Todd said the first mural was finished in June to honor the many people who have died at the hands of police.

It was "In all the chaos of these times," Todd said that he decided he needed to follow his dream to make art a full time career, launching his own art business called "Art is Larger Than Me."

Governor Activates Command for Election

CONTINUED FROM PAGE 2

want to use peaceful election night protests to promote violence and property destruction."

"I want to be very, very clear that voter intimidation and politi-

cal violence will not be tolerated. Not from the left, not from the right and not from the center. Not this week, not any week in Oregon," Brown said.

State police and the Multnomah County sheriff's office

will oversee the unified force. That allows its members to use tear gas if needed. Portland police are prohibited from using tear gas after an order by Mayor Ted Wheeler, who is also police commissioner.

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