

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 5 - 0 - 0

Yeas: Beyer, Kruse, Prozanski, Walker, Burdick

Nays: 0

Exc.: 0

Prepared By: Matt Kalmanson, Counsel

Meeting Dates: 4/12, 4/24

WHAT THE MEASURE DOES: Requires a judgment creditor who seeks a sale of real property under a writ of execution to provide the sheriff a list of all interests of record in the property. Requires the sheriff to include in the notice of sale the list of interests in the property. Requires the judgment creditor to provide the sheriff a title report, issued within 10 days before the date of the sale. Requires the sheriff to make the title report available to bidders who appear at the sale.

ISSUES DISCUSSED:

- Experience of citizen who bid on a property that contained a priority lien
- Availability of information about property liens
- Duties of creditors to inform bidders about priority liens on property
- Remedies for bidder who purchases property without knowledge of prior liens
- Nature of title reports

EFFECT OF COMMITTEE AMENDMENT: Requires the instructions to include a list of all interests of record in the property, not just those with priority over the judgment creditor. Requires the judgment creditor to provide the sheriff a title report issued within 10 days before the date of the sale. Requires the sheriff to make the title report available to bidders who appear at the sale.

BACKGROUND: ORS 18.875 requires a judgment creditor who wishes to execute a judgment of foreclosure of an interest in real property to provide certain instructions to the sheriff. ORS 18.924 requires the sheriff to provide notice before executing the judgment. Neither statute provides expressly that the judgment creditor must give the sheriff a list of all of lien-holders, or that the sheriff must provide notice to these creditors. SB 345 A would expressly require a judgment creditor to provide a list of all lien-holders to the sheriff, and the sheriff to provide notice of the sale to the lien-holders. It would also require the judgment creditor to give the sheriff a current title report, to be distributed to bidders at the sale.