

A-Engrossed
Senate Bill 302

Ordered by the Senate April 18
Including Senate Amendments dated April 18

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary for Oregon State Bar Debtor/Creditor Section)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Allows judicial sale of property to occur after death of property owner if sale is pursuant to judgment of foreclosure and sale.

A BILL FOR AN ACT

1
2 Relating to judgments of foreclosure and sale; creating new provisions; and amending ORS 18.312.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 18.312 is amended to read:

5 18.312. (1) **Except as provided in subsection (2) of this section**, execution [*shall not issue*]
6 **may not be issued** against the property of a deceased party[, *but such judgment shall be paid as*].
7 **Except as provided in subsection (2) of this section, a judgment against a deceased party may**
8 **be collected only by making** a claim against the estate of the deceased party in the manner pre-
9 scribed by ORS chapter 115 or ORS 114.505 to 114.560.

10 (2) **This section does not prevent the issuance of execution and sale of property pursuant**
11 **to a judgment of foreclosure and sale of property of the decedent. If the amount realized**
12 **from the sale of property is not sufficient to satisfy the judgment and collection of the defi-**
13 **ciency is otherwise allowed by law, the amount of the deficiency may be collected by making**
14 **a claim against the estate in the manner prescribed by ORS chapter 115 or ORS 114.505 to**
15 **114.560.**

16 **SECTION 2.** The amendments to ORS 18.312 by section 1 of this 2007 Act apply to all
17 **decedents, whether dying before, on or after the effective date of this 2007 Act.**
18

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.