

Senate Bill 302

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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 **as introduced**.

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, the amount of the defi-**
13 **ciency shall be paid as a claim against the estate as long as collection of the deficiency is**
14 **otherwise allowed by law.**

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

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.