

SENATE AMENDMENTS TO SENATE BILL 345

By COMMITTEE ON JUDICIARY

May 4

1 On page 1 of the printed bill, line 2, delete “and 18.924” and insert “, 18.924, 18.930 and
2 18.970”.

3 On page 2, line 4, delete “that” and insert a period.

4 Delete line 5.

5 In line 13, delete “that have priority over the lien of the judgment creditor”.

6 After line 37, insert:

7 “**SECTION 3.** ORS 18.930 is amended to read:

8 “18.930. (1) The sheriff shall conduct an execution sale by public oral auction. The sale must be
9 conducted between 9 a.m. and 4 p.m. All property shall be sold by the sheriff in such parcels as are
10 likely to bring the highest price. Any portion of real property belonging to a person other than the
11 judgment debtor must be sold separately if the person requests a separate sale.

12 “(2) **A judgment creditor must provide the sheriff with a title report for any real property**
13 **to be sold at the execution sale that shows all interests of record in the property. The title**
14 **report must have been issued within 10 days before the date of the sale. The sheriff shall**
15 **make the title report available to bidders who appear at the sale.**

16 “[2] (3) A judgment creditor that is a public body, as defined in ORS 174.109, may set a mini-
17 mum bid amount for property to be sold at an execution sale.

18 “[3] (4) Tangible personal property to be sold at an execution sale must be present at the place
19 where the sale is conducted unless the property is not in the possession of the sheriff.

20 “[4] (5) The county may establish a fee to be collected by the sheriff at the time of sale. The
21 amount of the fee shall be established by the governing body of the county and may not be greater
22 than the amount necessary to pay the county for the expenses incurred by the county for giving
23 notice of the sale and conducting the sale and for the anticipated expenses for any notices required
24 to be given after the sale and other post-sale administration of the sale.

25 “[5] (6) A person who purchases real property that is subject to redemption at an execution
26 sale must provide the sheriff with an address to which a redemption notice may be sent and must
27 notify the sheriff of any change in address until the purchaser transfers the purchaser’s interest in
28 the property, the property is redeemed or the time allowed for redemption expires, whichever occurs
29 first. Any person who thereafter acquires the purchaser’s interest in the property must notify the
30 sheriff of the transfer, provide the sheriff with an address to which a redemption notice may be sent
31 and notify the sheriff of any change in address until there is a another transfer, the property is re-
32 deemed or the time allowed for redemption expires, whichever occurs first.

33 “**SECTION 4.** ORS 18.970 is amended to read:

34 “18.970. (1) A claimant who wishes to redeem property must serve the certificate holder with a
35 redemption notice. The notice must specify a date and approximate time when the claimant will

1 make payment to the sheriff, the redemption amount calculated by the claimant and the manner in
2 which the redemption amount was calculated. The notice must include a mailing address for the
3 claimant. The date of the redemption must be a weekday that is not a legal holiday. The time of the
4 redemption must be between the hours of 9 a.m. and 4 p.m. The notice must inform the certificate
5 holder if an accounting under ORS 18.980 is required.

6 “(2) If the claimant is a lien claimant, the notice must reflect the nature of the lien claimant’s
7 interest and the claimant shall attach to the notice copies of any documents necessary to establish
8 that interest. If the claimant is a successor in interest to another person with redemption rights
9 under ORS 18.963, the claimant shall attach to the notice copies of any documents necessary to es-
10 tablish how the person acquired the interest. If the claimant claims to have an interest with a pri-
11 ority that is superior to the interest of the certificate holder, the claimant shall attach to the notice
12 copies of any documents necessary to establish that priority.

13 “(3) A redemption notice must be served by personal service or by first class mail. If the notice
14 is served by first class mail, service is effective on mailing. A copy of the notice may be filed with
15 the sheriff before the notice is given to the certificate holder, but must be filed with the sheriff no
16 later than seven days before the redemption date specified in the notice. The notice must be served
17 on the certificate holder not more than 30 days before the payment date specified in the redemption
18 notice, and:

19 “(a) Not less than 14 days before the payment date specified in the notice, if service is made
20 by first class mail; or

21 “(b) Not less than seven days before the payment date specified in the notice, if personal service
22 is made.

23 “(4) A claimant shall submit proof of service of the notice required by this section at the time
24 the claimant pays the sheriff under ORS 18.975.

25 “(5) If a certificate holder fails to comply with the requirements of ORS 18.930 [(5)] (6) or 18.982,
26 the certificate holder may not object to a redemption by reason of failure to receive a redemption
27 notice.”.

28 In line 38, delete “3” and insert “5”.

29 After line 39, insert:

30 **“SECTION 6. The amendments to ORS 18.930 and 18.970 by sections 3 and 4 of this 2007**
31 **Act apply only to execution sales conducted on or after the effective date of this 2007 Act.”.**