

SENATE AMENDMENTS TO HOUSE BILL 2759

By COMMITTEE ON JUDICIARY

June 2

- 1 On page 1 of the printed bill, line 3, after “ORS” insert “87.517, 87.539 and”.
- 2 On page 2, line 15, delete “in” and insert “concerning the status or effect of”.
- 3 On page 3, line 30, delete “person” and insert “bona fide purchaser for value”.
- 4 In line 31, delete “or person”.
- 5 In line 32, after “deed” insert “reconveyance or trustee’s deed”.
- 6 After line 32, insert:
- 7 “**SECTION 4.** ORS 87.517 is amended to read:
- 8 “87.517. The recording officer of the county shall record the notices filed under ORS 87.507 in
- 9 the **statutory lien** record [*of deeds and mortgages*].
- 10 “**SECTION 5.** ORS 87.539 is amended to read:
- 11 “87.539. (1) When a long term care facility receives payment from an individual, an individual’s
- 12 estate, the State of Oregon or any other source for the care claimed in a notice of lien filed under
- 13 ORS 87.507, the long term care facility shall file with the recording officer of the county in which
- 14 the notice of lien was filed a certificate declaring that payment has been received and that the lien
- 15 is discharged.
- 16 “(2) Within 20 days after being notified that the individual is eligible for Medicaid, the long term
- 17 care facility shall file with the recording officer of the county in which the notice of lien was filed
- 18 a certificate releasing the claim of lien upon any property protected under ORS 87.533.
- 19 “(3) The recording officer of the county shall record the certificate of discharge or release in
- 20 the [*appropriate*] **statutory** lien [*docket*] **record**.
- 21 “(4) If, after receiving payment for the care claimed in a notice of lien filed under ORS 87.507,
- 22 a long term care facility fails to discharge the lien or release the claim of lien within 10 days, the
- 23 long term care facility is liable to the individual or to the spouse or the estate of the individual for
- 24 \$100 or the amount of actual damages, whichever amount is greater.
- 25 “(5) In all actions brought under this section, the court may allow reasonable attorney fees at
- 26 trial and on appeal to the prevailing party.
- 27 “**SECTION 6.** The amendments to ORS 87.517 and 87.539 by sections 4 and 5 of this 2009
- 28 Act apply to liens under ORS 87.503 that the recording officer of a county records on or after
- 29 the effective date of this 2009 Act and to discharges or releases of those liens.”.
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