

Enrolled House Bill 2911

Sponsored by Representative BARTON (at the request of State Treasurer Ben Westlund)

CHAPTER

AN ACT

Relating to the disposition of property subject to a self-service storage facility lien; creating new provisions; and amending ORS 87.691.

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

SECTION 1. ORS 87.691 is amended to read:

87.691. (1) After *[the expiration of]* the time specified in the notice given under ORS 87.689 **expires**, if the personal property subject to the lien created by ORS 87.687 has a fair market value of \$100 or less, the owner may dispose of the property in the sole discretion of the owner.

(2) After *[the expiration of]* the time specified in the notice given under ORS 87.689 **expires**, if the personal property subject to the lien created by ORS 87.687 has a fair market value of more than \$100, **the owner shall cause** an advertisement of the sale *[shall]* **to** be published once a week for two consecutive weeks in a newspaper of general circulation in the city or county in which the self-service storage facility is located. If there is no newspaper of general circulation in *[such]* **the** city or county, the advertisement *[shall]* **must** be posted in not *[less]* **fewer** than six conspicuous places in the neighborhood in which the self-service storage facility is located. The advertisement *[shall]* **must** include:

(a) The address of the self-service storage facility, the number, if any, of the space where the personal property is located and the name of the occupant.

(b) The time, place and manner of the sale.

(3) The sale of the personal property *[shall]* **may** not take place earlier than 15 days after the first publication or posting. The sale shall conform to the terms stated in the advertisement published or posted under this section.

(4) The **owner shall hold the** sale of the personal property *[shall be held]* at the self-service storage facility or at a suitable place closest to where the personal property is held or stored.

(5)(a) If **the owner receives** no bids *[are received]* at the public sale held under this section, the owner may otherwise dispose of the property in the sole discretion of the owner. **The owner may satisfy the lien created by ORS 87.687 and reasonable expenses associated with the disposition from the proceeds of the disposition but shall hold the balance, if any, for delivery on demand to the occupant. If the occupant does not claim the balance of the proceeds within two years of the date of the disposition, the owner shall presume the balance is abandoned and shall report and deliver the balance as provided in ORS 98.352.**

(b) **The owner, an employee of the owner, an affiliate or relative of the owner or an associate or relative of the employee may not acquire, directly or indirectly, property that is subject to disposal under this section.**

(6) Before [any] a sale or other disposition of the personal property under this section, the occupant may pay the amount necessary to satisfy the lien and the reasonable expenses incurred under this section and thereby redeem the personal property. Upon [receipt of such] **receiving** payment, the owner shall return the personal property, and thereafter the owner [shall have] **has** no liability [to any person] with respect to the personal property.

(7) After a sale under this section, the owner may satisfy the lien created by ORS 87.687 from the proceeds of the sale, but shall hold the balance, if any, for delivery on demand to the occupant. If the occupant does not claim the balance of the proceeds within two years after the date of sale, the [balance of the proceeds shall become the property of the owner without further recourse by the occupant] **owner shall presume that the balance of the proceeds is abandoned and shall report and deliver the balance as provided in ORS 98.352.**

(8) A purchaser in good faith of the personal property sold to satisfy a lien created by ORS 87.687 takes the property free of any rights of persons against whom the lien was valid, despite noncompliance by the owner with the requirements of this section and ORS 87.689.

SECTION 2. The amendments to ORS 87.691 by section 1 of this 2009 Act apply to dispositions or sales of property that occur on or after the effective date of this 2009 Act.

Passed by House April 23, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate May 19, 2009

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President of Senate

Received by Governor:

.....M.,....., 2009

Approved:

.....M.,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2009

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Secretary of State