

# House Bill 2911

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

## 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**.

Requires owner of self-service storage facility to dispose of property subject to lien in manner reasonably intended to realize proceeds close to market value of property if owner receives no bids in sale of property. Requires owner to hold balance of proceeds after satisfaction of lien for delivery to occupant or to report and deliver balance to Department of State Lands if occupant does not claim balance within two years.

Requires owner to deliver balance of proceeds of sale of property subject to lien to Department of State Lands if occupant does not claim balance within two years.

## A BILL FOR AN ACT

1  
2 Relating to the disposition of property subject to a self-service storage facility lien; creating new  
3 provisions; and amending ORS 87.691.

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

5 **SECTION 1.** ORS 87.691 is amended to read:

6 87.691. (1) After *[the expiration of]* the time specified in the notice given under ORS 87.689 **ex-**  
7 **pires**, if the personal property subject to the lien created by ORS 87.687 has a fair market value of  
8 \$100 or less, the owner may dispose of the property in the sole discretion of the owner.

9 (2) After *[the expiration of]* the time specified in the notice given under ORS 87.689 **expires**, if  
10 the personal property subject to the lien created by ORS 87.687 has a fair market value of more than  
11 \$100, **the owner shall cause** an advertisement of the sale *[shall]* **to** be published once a week for  
12 two consecutive weeks in a newspaper of general circulation in the city or county in which the  
13 self-service storage facility is located. If there is no newspaper of general circulation in *[such]* **the**  
14 city or county, the advertisement *[shall]* **must** be posted in not *[less]* **fewer** than six conspicuous  
15 places in the neighborhood in which the self-service storage facility is located. The advertisement  
16 *[shall]* **must** include:

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

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

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

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

25 (5) If **the owner receives** no bids *[are received]* at the public sale held under this section, the  
26 owner may otherwise dispose of the property in *[the sole discretion of the owner.]* **a manner rea-**  
27 **sonably intended to realize proceeds close to the market value of the property. The owner**  
28 **may satisfy the lien created by ORS 87.687 and reasonable expenses associated with the dis-**

**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.

1 **position from the proceeds of the disposition but shall hold the balance, if any, for delivery**  
 2 **on demand to the occupant. If the occupant does not claim the balance of the proceeds**  
 3 **within two years of the date of the disposition, the owner shall presume the balance is**  
 4 **abandoned and shall report and deliver the balance as provided in ORS 98.352.**

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

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

16 (8) A purchaser in good faith of the personal property sold to satisfy a lien created by ORS  
 17 87.687 takes the property free of any rights of persons against whom the lien was valid, despite  
 18 noncompliance by the owner with the requirements of this section and ORS 87.689.

19 **SECTION 2. The amendments to ORS 87.691 by section 1 of this 2009 Act apply to dispo-**  
 20 **sitions or sales of property that occur on or after the effective date of this 2009 Act.**

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