

## SENATE AMENDMENTS TO B-ENGROSSED SENATE BILL 628

By JOINT COMMITTEE ON WAYS AND MEANS

June 26

1 On page 4 of the printed B-engrossed bill, line 12, delete “Sections 3 and 3a” and insert “Section  
2 3” and delete “are” and insert “is”.

3 In line 18, delete “within 30 days” and insert “, as soon as reasonably practicable but not later  
4 than 45 days” and after “form” insert a comma.

5 In line 21, delete “30-day” and insert “45-day”.

6 In line 43, after “subsection” insert a period and delete the rest of the line and lines 44 and 45.

7 On page 5, delete line 1.

8 In line 4, before the period insert “, provided that the beneficiary informs the grantor that the  
9 grantor is not eligible”.

10 Delete lines 5 through 37.

11 On page 8, line 20, delete the blank and insert “229”.

12 On page 9, delete lines 13 through 45.

13 On page 10, delete lines 1 through 43 and insert:

14 “**SECTION 6.** ORS 86.750, as amended by section 1, chapter 229, Oregon Laws 2009 (Enrolled  
15 Senate Bill 239), and section 5 of this 2009 Act, is amended to read:

16 “86.750. (1)(a) Except as provided in paragraph (b) of this subsection, the notice prescribed in  
17 ORS 86.745 shall be served upon an occupant of the property described in the trust deed in the  
18 manner in which a summons is served pursuant to ORCP 7 D(2) and 7 D(3) at least 120 days before  
19 the day the trustee conducts the sale.

20 “(b)(A) If service cannot be effected on an occupant as provided in paragraph (a) of this sub-  
21 section on the first attempt, the person attempting service shall post a copy of the notice in a con-  
22 spicuous place on the property on the date of the first attempt. The person attempting service shall  
23 make a second attempt to effect service on a day that is at least two days after the first attempt.

24 “(B) If service cannot be effected on an occupant as provided in paragraph (a) of this subsection  
25 on the second attempt, the person attempting service shall post a copy of the notice in a conspicu-  
26 ous place on the property on the date of the second attempt. The person attempting service shall  
27 make a third attempt to effect service on a day that is at least two days after the second attempt.

28 “(C) If service cannot be effected on an occupant as provided in paragraph (a) of this subsection  
29 on the third attempt, the person attempting service shall send a copy of the notice, bearing the word  
30 ‘occupant’ as the addressee, to the property address by first class mail with postage prepaid.

31 “(c) Service on an occupant is deemed effected on the earlier of the date that notice is served  
32 as provided in paragraph (a) of this subsection or the first date on which notice is posted as de-  
33 scribed in paragraph (b)(A) of this subsection.

34 “(2) A copy of the notice of sale shall be published in a newspaper of general circulation in each  
35 of the counties in which the property is situated once a week for four successive weeks. The last

1 publication shall be made more than 20 days prior to the date the trustee conducts the sale.

2 “(3) On or before the date the trustee conducts the sale, the trustee shall file for recording in  
3 the official record of the county or counties in which the property described in the deed is situated  
4 the following affidavits with respect to the notice of sale:

5 “(a) An affidavit of mailing, if any;  
6 “(b) An affidavit of service, if any;  
7 “(c) An affidavit of service attempts and posting, if any; and  
8 “(d) An affidavit of publication.

9 “(4) On or before the date the trustee conducts the sale, the trustee shall file for recording in  
10 the official record of the county or counties in which the property described in the deed is situated  
11 an affidavit of mailing with respect to the notice to the grantor required under section 20, chapter  
12 19, Oregon Laws 2008.

13 “[5] *On or before the date the trustee conducts the sale, the trustee shall file for recording in the  
14 official record of the county or counties in which the property is located an affidavit from the benefi-  
15 ciary or the beneficiary’s agent that states how the beneficiary or the beneficiary’s agent has complied  
16 with the provisions of section 3 (1) and (2) of this 2009 Act.*”]

17 On page 11, line 8, delete “Sections 3 and 3a” and insert “Section 3”.  
18 In line 9, delete “1, 5 and 5a” and insert “1 and 5”.  
19 In line 11, delete “Sections 3 and 3a” and insert “Section 3”.  
20 In line 12, delete “1, 5 and 5a” and insert “1 and 5”.  
21 Delete lines 15 through 21 and insert:  
22 “**SECTION 9. The amendments to ORS 86.750 and section 20, chapter 19, Oregon Laws  
23 2008, by sections 4 and 6 of this 2009 Act become operative on January 2, 2012.**  
24 “**SECTION 10. Section 3 of this 2009 Act is repealed on January 2, 2012.**”  
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