

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	5 - 0 - 0
Yeas:	Bonamici, Dingfelder, Kruse, Whitsett, Prozanski
Nays:	0
Exc.:	0
Prepared By:	Aaron Knott, Counsel
Meeting Dates:	5/17

WHAT THE MEASURE DOES: Allows the court to extend the time permitted to execute a writ for eviction upon a showing of good cause by the sheriff. Allows sheriff to require a plaintiff requesting a warrant directing the sheriff to abate a nuisance to pay for the expenses of executing the warrant. Allows a prevailing plaintiff to recover fees and expenses associated with the service of a warrant by the sheriff without the entry of a supplemental judgment or order. Requires sheriff to notify plaintiff requesting eviction if the operation of a writ of eviction is extended upon sheriff's request upon a showing of good cause.

ISSUES DISCUSSED:

- The elderly, individuals with severe mental disabilities and other individuals who present a complicated eviction scenario which can require more than 30 days
- Tenants capable of barricading themselves into a property
- Sheriff obligation of payment for the costs of nuisance abatements

EFFECT OF COMMITTEE AMENDMENT: Requires sheriff to notify plaintiff requesting eviction if the operation of a writ of eviction is extended upon sheriff's request upon a showing of good cause.

BACKGROUND: ORS 105.161 details the process by which a sheriff may serve a writ and eviction trespass notice. Currently, any writ not enforced and served within 30 days following its issuance expires and becomes unenforceable against the person to be evicted. House Bill 2694 A allows for this period to be extended by the court upon a sufficient showing of good cause by the sheriff. The sheriff is required to notify a plaintiff requesting eviction if the operation of a writ of eviction is so extended.

ORS 105.510 pertains to the claiming of costs associated with the execution of orders to abate a nuisance carried out by a sheriff after request by a plaintiff. Currently, a sheriff is required to abate the nuisance at the expense of the defendant and may levy those expenses on the property of the defendant in the form of an execution against the property. House Bill 2694 A permitted a sheriff to require that the plaintiff pay all sheriff's fees before executing the warrant, and may require that the plaintiff also pay all expenses incurred in the execution of the warrant. House Bill 2694 A allows a plaintiff to recover sheriff's fees pursuant to ORS 18.999 in addition to other statutorily enumerated damages.

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This summary has not been adopted or officially endorsed by action of the committee.