

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	7 - 0 - 1
Yeas:	Clem, Conger, Matthews, Sheehan, Smith J., Holvey, Whisnant
Nays:	0
Exc.:	Cameron
Prepared By:	Jan Nordlund, Administrator
Meeting Dates:	5/26, 5/31

WHAT THE MEASURE DOES: Requires lien claimant to provide notice to those mortgagees, trust deed beneficiaries, and assignees who place their name and address on the mortgage, trust deed, or assignment of mortgage or trust deed recorded by the county clerk. Requires the address of the mortgagee and trust deed beneficiary to be noted on the recorded mortgage and trust deed. Defines mortgagee to distinguish between those whose name and address appear as the mortgagee or beneficiary in recorded mortgage or trust deed and those whose name and address appear as the assignee of the mortgagee or beneficiary. Applies to mortgages or trust deeds recorded on or after the effective date. Applies to assignments of mortgages or trust deeds recorded on or after January 1, 2008.

ISSUES DISCUSSED:

- Timeline for filing notices
- Records lacking names and addresses of assignees
- Retroactive and proactive applications
- Filing with private Mortgage Electronic Registration System (MERS) instead of county clerk
- Application only to construction liens and not foreclosures

EFFECT OF COMMITTEE AMENDMENT: Replaces the original measure.

BACKGROUND: Current ORS 87.018 requires that notices of liens against a mortgagee be expressed in writing and delivered in person or by registered or certified mail to the mortgagee. Senate Bill 382-B maintains this requirement only if the name and address of the mortgagee appear in a mortgage of record or trust deed of record filed with the county clerk. The bill requires that the mortgagee's address be recorded. The measure also requires notice to assignee of the mortgage or trust deed only if the name and address of the assignee were filed with the clerk, which has been a requirement under ORS 205.234 (1)(g) since January 1, 2008.

The requirement that the name and address of the assignee mortgage or assignee trust deed beneficiary be recorded with the county clerk was enacted in 2007 (Senate Bill 613). Despite the requirement, not all assignees' names and addresses are recorded with the county clerk, making it difficult for lien claimants to file notice under required timelines.