

House Bill 3264

Sponsored by Representative HOLVEY

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**.

Modifies definition of "consideration" for purposes of conveyance of fee title. Requires disclosure of monetary value and description of other property or value offered as concession by seller.

A BILL FOR AN ACT

1
2 Relating to consideration for conveyance of real property; creating new provisions; and amending
3 ORS 93.030.

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

5 **SECTION 1.** ORS 93.030 is amended to read:

6 93.030. (1) As used in this section, "consideration" includes the amount of cash [*and*] **plus** the
7 amount of any lien, mortgage, contract, indebtedness or other encumbrance existing against the
8 property to which the property remains subject or which the purchaser agrees to pay or assume,
9 **minus the amount or value of any concessions made by the seller.**

10 [*(2) All instruments conveying or contracting to convey fee title to any real estate, and all memo-*
11 *randa of such instruments, shall state on the face of such instruments the true and actual consideration*
12 *paid for such transfer, stated in terms of dollars. However, if the actual consideration consists of or*
13 *includes other property or other value given or promised, neither the monetary value nor a description*
14 *of such other property or value need be stated so long as it is noted on the face of the instrument that*
15 *other property or value was either part or the whole consideration.]*

16 [*(3) The statement of consideration as required by subsection (2) of this section shall be made by*
17 *a grantor or a grantee. Failure to make such statement does not invalidate the conveyance.]*

18 [*(4) If the statement of consideration is in the body of the instrument preceding the signatures, ex-*
19 *ecution of the instrument shall constitute a certification of the truth of the statement. If there is a sep-*
20 *arate statement of consideration on the face of the instrument, it shall be signed separately from the*
21 *instrument, and such execution shall constitute a certification of the truth of the statement by the person*
22 *signing. No particular form is required for the statement so long as the requirements of this section*
23 *are reasonably met.]*

24 [*(5) No instrument conveying or contracting to convey fee title to any real estate nor any memo-*
25 *randum of such an instrument shall be accepted for recording by any county clerk or recording officer*
26 *in this state unless the statement of consideration required by this section is included on the face of the*
27 *instrument.]*

28 [*(6) This section applies to instruments executed on or after January 1, 1968.]*

29 **(2) An instrument conveying, or contracting to convey, fee title to real estate and a**
30 **memorandum of the instrument must state the true and actual consideration paid for the**
31 **conveyance, stated in terms of dollars, on the face of the instrument and memorandum. If**

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 the true and actual consideration consists of or includes other property or other value given
2 or promised, the monetary value and a description of the other property or value must also
3 be stated.

4 (3) A grantor or grantee shall make the statement of consideration required by sub-
5 section (2) of this section. Failure to make the statement does not invalidate the conveyance.

6 (4) If the statement of consideration is in the body of the instrument or memorandum
7 preceding the signatures, execution of the instrument or memorandum constitutes certif-
8 ication of the truth of the statement. If there is a separate statement of consideration on
9 the face of the instrument or memorandum, the grantor and grantee shall sign the state-
10 ment specifically and the execution constitutes certification of the truth of the statement
11 by the person signing. A particular form is not required for the statement to meet the re-
12 quirements of this section.

13 (5) A county clerk may not accept for recording an instrument conveying, or contracting
14 to convey, fee title to real estate or a memorandum of the instrument unless the statement
15 of consideration required by this section is included on the face of the instrument or mem-
16 orandum.

17 SECTION 2. The amendments to ORS 93.030 by section 1 of this 2011 Act apply to in-
18 struments conveying, or contracting to convey, fee title to real property and memoranda of
19 the instruments executed by grantors and grantees on or after the effective date of this 2011
20 Act.

21 _____