

House Bill 3620

Sponsored by Representative HUFFMAN

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**.

Allows person to file request for reconsideration of claim under Ballot Measure 49 (2007) if person's date of acquisition of property was affected by conveyance of property and person reacquired property within 10 days after conveyance.

A BILL FOR AN ACT

1
2 Relating to Ballot Measure 49 (2007) claims; creating new provisions; and amending ORS 195.328.

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

4 **SECTION 1.** ORS 195.328 is amended to read:

5 195.328. (1) Except as provided in this section, a claimant's acquisition date is the date the
6 claimant became the owner of the property as shown in the deed records of the county in which the
7 property is located. If there is more than one claimant for the same property under the same claim
8 and the claimants have different acquisition dates, the acquisition date is the earliest of those dates.

9 (2) If the claimant is the surviving spouse of a person who was an owner of the property in fee
10 title, the claimant's acquisition date is the date the claimant was married to the deceased spouse
11 or the date the spouse acquired the property, whichever is later. A claimant or a surviving spouse
12 may disclaim the relief provided under ORS 195.305 to 195.336 and sections 5 to 11, chapter 424,
13 Oregon Laws 2007, and sections 2 to 9 and 17, chapter 855, Oregon Laws 2009, by using the proce-
14 dure provided in ORS 105.623 to 105.649.

15 (3) If a claimant conveyed the property to another person and reacquired the property, whether
16 by foreclosure or otherwise, the claimant's acquisition date is:

17 (a) **Unaffected by the conveyance if the claimant reacquired the property within 10 days**
18 **after the conveyance; or**

19 (b) **The date the claimant reacquired ownership of the property if the claimant reacquired the**
20 **property more than 10 days after the claimant conveyed the property.**

21 (4) A default judgment entered after December 2, 2004, does not alter a claimant's acquisition
22 date unless the claimant's acquisition date is after December 2, 2004.

23 **SECTION 2.** **The Department of Land Conservation and Development shall inform a**
24 **claimant of the opportunity to request reconsideration if the claimant's eligibility for relief**
25 **may be affected by the amendments to ORS 195.328 by section 1 of this 2011 Act. If the**
26 **claimant files a request for reconsideration within 60 days after the notice described in this**
27 **section is sent, the department shall reconsider the claimant's eligibility for relief.**
28

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.