

Enrolled House Bill 4111

Sponsored by Representative WEIDNER, Senator PROZANSKI; Representatives KRIEGER, MATTHEWS, SHEEHAN, J SMITH, THATCHER, THOMPSON, Senator BOQUIST (Presession filed.)

CHAPTER

AN ACT

Relating to sale of real property to enforce lien for local improvements; creating new provisions; amending ORS 205.234, 223.505, 223.520 and 223.525; and declaring an emergency.

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

SECTION 1. ORS 223.505 is amended to read:

223.505. As used in ORS 223.505 to 223.595[, *unless the context requires otherwise,*]:

(1) **“Lawfully established unit of land” has the meaning given that term in ORS 92.010.**

(2) **“Tract” has the meaning given that term in ORS 215.010.**

(3) **“Treasurer”** means the officer designated by charter or ordinance of the local government to collect unpaid liens or **final** assessments, take all steps necessary to enforce delinquent liens or assessments and to maintain records pertaining to collection proceedings thereon.

SECTION 2. ORS 223.520 is amended to read:

223.520. Upon receipt of the list described in ORS 223.515, the treasurer shall proceed to collect the unpaid liens or final assessments named in the list by advertising and selling the [*lots or tracts*] **lawfully established units of land or tracts** in the manner now provided by law for the sale of real property on execution, except as otherwise provided in ORS 223.525 to 223.580 and except that sale may be made at [*such*] **the** place within the boundaries of the local government [*as may be*] designated in the notice of sale.

SECTION 3. ORS 223.525 is amended to read:

223.525. [*Each piece or tract of land shall be sold, separately, and for a sum equal to but not exceeding the unpaid lien or final assessment thereon and the interest, penalty and cost of advertising and sale. If there is more than one bid the land shall be sold to the bidder first offering to take it for the amount accrued thereon. No levy upon such lots or parcels of land shall be required except that a notice shall be posted four consecutive weeks before the sale upon every lot or parcel.*]

(1) **Each lawfully established unit of land or tract must be sold separately and for a sum equal to or exceeding the greater of:**

(a) **The amount of the unpaid final assessment plus interest, penalties and the costs of conducting the sale; or**

(b) **Seventy-five percent of the total assessed value of the real property, as determined by the assessor of the county in which the land and improvements are located.**

(2) **If more than one bid equals or exceeds the minimum sum for which real property may be sold under this section, the real property must be sold to the highest bidder.**

(3) If none of the bids equals or exceeds the minimum sum for which real property may be sold under this section or the sale is not completed for any other reason, the real property may be offered for sale as provided in ORS 223.560.

(4) If the sum received for the sale of real property under this section exceeds the amount of the unpaid final assessment, plus interest, penalties and the costs of conducting the sale, the treasurer shall apply the proceeds of the sale as follows:

(a) To the costs of conducting the sale.

(b) To the unpaid final assessment or installment secured by the lien and the interest and penalties.

(c) To persons with recorded liens or other interest in the real property in the order of their priority.

(d) To the debtor or the debtor's heirs or assigns.

(5) A levy is not required upon lawfully established units of land or tracts on the list described in ORS 223.515, but a notice of sale must be posted four consecutive weeks before the sale of each lawfully established unit of land or tract.

SECTION 4. ORS 205.234 is amended to read:

205.234. (1) When an instrument is presented to a county clerk for recording, the first page of the instrument must contain at least:

(a) The names of the transactions as required in ORS 205.236;

(b) The names [*and addresses*] of the persons described in ORS 205.125 (1)(a) and (b) and 205.160;

(c) The person to whom and, for mailing purposes only, the address to which the instrument will be delivered as provided in ORS 205.180;

(d) For instruments that convey or contract to convey fee title to real estate and for memoranda of the instruments, the true and actual consideration paid for the transfer as required by ORS 93.030;

(e) For instruments that convey or contract to convey fee title to real estate, the tax statement information required by ORS 93.260;

(f) For instruments recorded in the County Clerk Lien Record, the information described in ORS 205.125 (1)(c) and (e); and

(g) For instruments that assign a mortgage or trust deed, the name and address of the assignee mortgagee or assignee trust deed beneficiary.

(2) Notwithstanding ORS 205.327, if an instrument presented for recording does not contain the information required by subsection (1) of this section, a cover sheet may be prepared that contains the required information. The person that presents the instrument for recording shall prepare the cover sheet. The cover sheet may be attached to the instrument and must be recorded as a part of the instrument. Any errors in the cover sheet do not affect the transactions contained in the instrument. The cover sheet need not be separately signed or acknowledged.

SECTION 5. (1) The amendments to ORS 223.505, 223.520 and 223.525 by sections 1 to 3 of this 2012 Act apply to the sale of real property placed on the list described in ORS 223.515:

(a) One year or less before the effective date of this 2012 Act if the final assessment, lien or installment that is overdue and unpaid is bonded; and

(b) Sixty days or less before the effective date of this 2012 Act if the final assessment, lien or installment that is overdue and unpaid is not bonded.

(2) The amendments to ORS 205.234 by section 4 of this 2012 Act apply to instruments presented to a county clerk for recordation on or after the effective date of this 2012 Act.

SECTION 6. This 2012 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect on its passage.

Passed by House February 15, 2012

.....
Ramona Kenady Line, Chief Clerk of House

.....
Bruce Hanna, Speaker of House

.....
Arnie Roblan, Speaker of House

Passed by Senate February 24, 2012

.....
Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2012

Approved:

.....M,....., 2012

.....
John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2012

.....
Kate Brown, Secretary of State