

**House Consumer Protection and Government Efficiency Committee**  
**Supplement to Testimony of Patrick J. Ehlers on House Bill 2822**  
**February 21, 2013**

Chairman Holvey and Members of the Committee:

My name is Pat Ehlers<sup>1</sup>, I am a member of the Oregon State Bar's Board of Governors (BOG). As part of my work on the BOG, I am one of the co-chairs of a Central Legal Notice System (CLNS) Task Force charged by the BOG to examine the issue of whether legal and public notices should be posted on a centralized online service as a way of improving the effectiveness of notice while increasing efficiency and reducing costs associated with such notices. For your review I am attaching here a copy of the initial memorandum that issued to create the task force. *Attachment A*.

As you can see from the attached memorandum the CLNS Task Force has been asked to examine the following:

1. Evaluate the feasibility of the development and implementation of a CLNS including the estimated revenues from an online system.
2. Develop a five-year budget to include repayment of start-up costs. Identify the legislative obstacles and make recommendations for strategies to address those obstacles.
3. Assess the cost of developing the online system and identify options for funding that phase of the project.
4. Determine what kind of public outreach would be required for successful implementation and develop a budget and schedule for the outreach.

It is the goal of the CLNS Task Force to provide the BOG with a report by July 1, 2013, discussing its conclusions regarding the viability of a centralized legal notice system in Oregon.

HB 2822, the measure presently before the House Consumer Protection and Government Efficiency Committee, seeks to amend ORS 18.924. Presently ORS 18.924 allows for market choice. The required legal notices in sheriff's sales can, under the current law, be published ***either*** on the Oregon State Sheriffs' Association (OSSA) centralized legal notice website for the sale of real or personal property, for a one-time fee, ***or*** in a newspaper of general circulation once a week for four consecutive weeks at a rate set by the newspapers.

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<sup>1</sup> While I am employed as an Assistant Federal Public Defender with the Office of the Federal Public Defender for the District of Oregon, I am providing information to the committee solely in my capacity as a member of the Oregon State Bar Board of Governors, specifically, as a co-chair of the BOG's Centralized Legal Notification System Task Force. The views reflected here, and in my oral testimony, in no way reflect the view of the Office of the Federal Public Defender or the work performed by that office or its employees.

As proposed, HB 2822 would eliminate the market choice option and mandate that notice be published in the newspaper with the option of additional publication on the OSSA's website. It is not clear why this would be an improvement over the system that is presently in place.

For this Committee's information I am providing here a link to the OSSA's website along with several pages which illustrate what can be found on the site and how it works. The link for the website is:

<http://www.oregonsheriffs.com/sales.htm>

See *Attachment B* for copies of example pages from the OSSA's centralized legal notice website.

While the sheriffs' sales deal with a small fraction of all legal notices in Oregon, the website run by the OSSA provides an example of the type of system the CNLS Task Force is examining to determine whether such a system could be made viable if implemented on a state-wide scale for all legal and public notices.

Oregon State Bar members are responsible for posting a large percentage of the legal notices that are currently required to be published in newspapers, and are therefore very interested in the future of the legal/public notice system in general. At the most recent Oregon State Bar House of Delegates Meeting (HOD) a member of the HOD proposed a resolution requesting that the Oregon State Bar examine the issues surrounding centralized legal notice. A majority of the HOD members, representatives of Bar members state-wide, voted in favor of studying the issue and that in part led to the formation of the current CNLS Task Force.

Any public notice system must effectively balance the needs of individuals for information that affects them with the costs in time and money that the state and private parties incur in providing the notice. The objective is a system that is both effective and efficient.

As the CNLS Task Force continues with its work we will look seriously at the costs and effectiveness of all of the options for the posting of notice in order to aid Oregon in making decisions going forward. A number of states have begun to experiment with posting at least some notices online instead of requiring printed publication. The OSSA's website is an example of the ongoing innovations in this area.

Should you have further questions about the work of the CNLS Task Force, or about the issue in general, I would gladly respond with whatever information I can provide. Thank you for your consideration of these comments.

# Attachment A

**Memorandum**

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**To:** Travis Prestwich, Co-Chair                      Karen Clevering  
Patrick Ehlers, Co-Chair                      Chad Jacobs  
Tom Kranovich                                      S. Ward Greene  
Theresa Kohlhoff                                  Duane Bosworth  
Kathleen Evans                                    Norman Williams

**Date:** November 28, 2012

**From:** Mitzi Naucner, OSB President

**Re:** Central Legal Notice System Task Force

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Thank you for agreeing to serve on the OSB Board of Governors' Central Legal Notice System (CLNS) Task Force. At its meeting on November 10, 2012, the Board of Governors approved the creation of the task force and authorized me to appoint bar members who will bring a variety of perspectives to the issues.

The task force is asked to:

- *Evaluate the feasibility of the development and implementation of a CLNS including the estimated revenues from an online system.*
- *Develop a five-year budget to include repayment of start-up costs. Identify the legislative obstacles and make recommendations for strategies to address those obstacles.*
- *Assess the cost of developing the online system and identify options for funding that phase of the project.*
- *Determine what kind of public outreach would be required for successful implementation and develop a budget and schedule for the outreach.*

The BOG would like to have your report and recommendations by July 1, 2013.

I have appointed Mssrs. Prestwich and Ehlers as co-chairs of the Task Force. OSB Executive Director Sylvia Stevens and Public Affairs Staff Attorney Matt Shields will be staff liaisons to assist with coordination of meetings, preparation of agendas and minutes and other administrative details.

In the interest of getting started without delay, please let Sylvia Stevens know your availability for a meeting (1-1/2 to 2 hours) at the OSB Center in the afternoon of Monday, December 10; Tuesday, December 11 or any day during the week of December 17, 2012. An agenda and background materials will be sent once a meeting date is selected.

RSVP to [sstevens@osbar.org](mailto:sstevens@osbar.org) or call her at 503.431.6359.

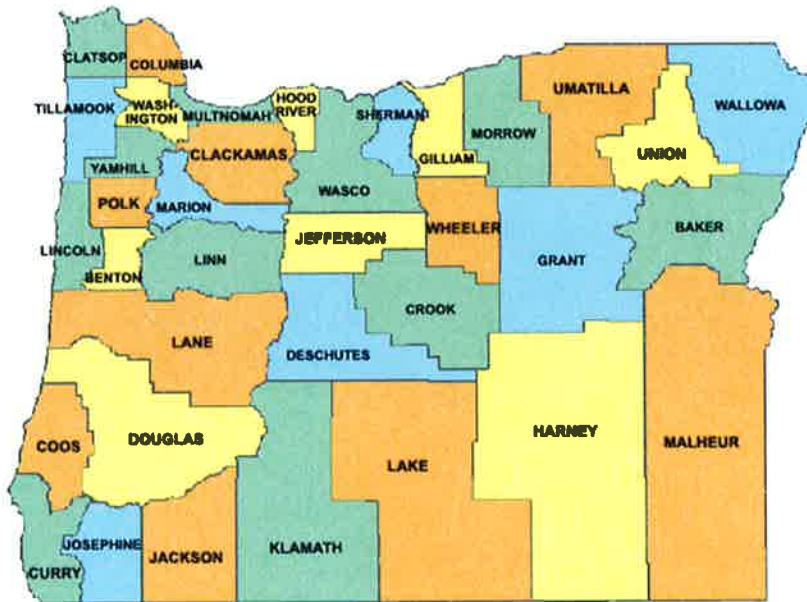
# Attachment B

## SALES BY OREGON COUNTY

**OSSA's sole function in relation to Sheriffs' Sales of real and personal property is to post legal notices as authorized by ORS 18.924.** OSSA has no further information about the items offered for sale, or the case that led to the sale. Please direct all inquiries about a pending sale to the Sheriff's Office or the judgment creditor.

**Not all pending Sheriffs' Sales are posted on this site.** Publishing on this website is in lieu of publishing real property in a local newspaper or advertising personal property by posting in 3 local public places. Current state law provides that the judgment creditor direct the Sheriff which advertising method to use for the property type being sold.

Use the map below to click on a county to see what is advertised for sale.



**IMPORTANT NOTICE** – The Oregon State Sheriffs' Association is not responsible for the content of notices published on this website. Any errors or omissions are the responsibility of the party requesting the posting. The OSSA does not review or alter documents submitted for posting. Parties requesting posting should carefully review the document for legal sufficiency and accuracy before submitting to OSSA for posting.

**Foreclosure Prevention Resources** - [OregonHomeownerSupport.gov](http://OregonHomeownerSupport.gov) is an official website of the State of Oregon to help current and past Oregon homeowners avoid or limit the impact of foreclosure. The website features information about foreclosure prevention, housing counseling and related services. If you or someone you know has lost their home or are struggling to keep their home [click here](#) to learn more or dial 211 from any phone in Oregon for assistance.

Donate



**Donations to OSSA** a 501(c)(3) organization, are tax-deductible. OSSA never conducts telephone membership or donation solicitation.

**Featured Article:**  
Parole & Probation

**Join your Sheriff in the fight against crime** by becoming an OSSA member today.

Join Now!



**OSSA**  
Founded in 1916 to give Sheriffs a single, effective voice.



### MULTNOMAH COUNTY Sales by Oregon County

See Sheriff's Office Contact Information

All pending Sheriff sales for this county may not be posted on this site. See About this Site for more information.

Sale Date	Property Type	Notice of Sale	Supporting Documents/Photos
2/26/2013	Real	NATIONSTAR MORTGAGE vs KING, et al	WRIT OF EXECUTION
2/26/2013	Real	BANK OF NEW YORK MELLON vs DONDINO, et al	WRIT OF EXECUTION
3/12/2013	Real	DEUTSCHE BANK vs THAO, et al	WRIT OF EXECUTION
3/12/2013	Real	ONEWEST BANK vs NOLAN, et al	WRIT OF EXECUTION
3/14/2013	Real	ONEWEST BANK vs DANIELS, et al	WRIT OF EXECUTION
3/21/2013	Real	NATIONSTAR MORTGAGE vs SANSERI, et al	WRIT OF EXECUTION

**POSTPONEMENT OR CANCELLATIONS:**

At any time before a sale it may be postponed or cancelled from the original date posted here. You may contact the sheriff's office selling the property for the latest information.

**Disclosure:**

**IMPORTANT NOTICE** - The Oregon State Sheriffs' Association is not responsible for the content of notices published on this website. Any errors or omissions are the responsibility of the party requesting the posting. OSSA does not review or alter documents submitted for posting. Parties requesting posting should carefully review the document for legal sufficiency and accuracy before submitting to OSSA for posting.

#### Contact Multnomah County Sheriff's Office



**Multnomah County Sheriff's Office**  
12240 NE Glisan St  
Portland, OR 97230

Contact: Civil Office,  
Civil Division  
mcsocivilunit@mcso.us  
tel: **503-251-2412**  
fax: 503-251-2506

www.mcso.us

Click on a county to visit that county Sheriff's Sales page, or use the dropdown menu selector below.

Select another county... Go!



Click on the Oregon map (above) to select another county.

Donate



Donations to OSSA a 501(c)(3) organization, are tax-deductible. OSSA never conducts telephone membership or donation solicitation.

Featured Article:  
Parole & Probation

Join your Sheriff in the fight against crime by becoming an OSSA member today.

Join Now!



OSSA

Founded in 1916 to give Sheriffs a single, effective voice.





# SHERIFF'S NOTICE OF JUDICIAL SALE MULTNOMAH COUNTY SHERIFF'S OFFICE

On February 26, 2013 at the hour of 11:00 AM o'clock at the Multnomah County Sheriff's Office, 12240 NE Glisan St., Portland, Oregon, I will sell at public auction to the highest bidder, subject to redemption, for cash or cashier's check, in hand, made payable to the Multnomah County Sheriff's Office, as provided by law and as directed by the judgment all of the interest that the Defendant had on or 11/13/2006, the date of the date of the Deed of Trust, and also the interest that the defendant had thereafter, in the real property described as:

LOT 4, BLOCK 2, MONTARA, COUNTY OF MULTNOMAH, STATE OF OREGON.

Commonly known as: 1115 & 1117 SE 149th Place Portland, OR 97233

Said sale is made pursuant to a Writ of Execution In Foreclosure issued out of the Circuit Court of the State of Oregon, to me directed in Multnomah County Circuit Court Case No. 1206-07799 entitled:

NATIONSTAR MORTGAGE LLC,

Plaintiff,

vs

IVAN KING; JEANNIE ELIZABETH KING; U.S. BANK NATIONAL ASSOCIATION  
ND; FIA CARD SERVICES N.A.; DISCOVER BANK; STATE OF OREGON;  
OCCUPANTS OF THE PROPERTY at 1115 SE 149th PLACE; OCCUPANTS OF  
THE PROPERTY at 1117 SE 149th Place,

Defendants.

Execution dated: 1/8/2013

**Before bidding at the sale a prospective bidder should independently investigate:**

- (a) The priority of the lien or interest of the judgment creditor;
- (b) Land use laws and regulations applicable to the property;
- (c) Approved uses for the property;
- (d) Limits on farming or forest practices on the property;
- (e) Rights of neighboring property owners; and
- (f) Environmental laws and regulations that affect the property.

DANIEL STATON, Sheriff

By:

Marshall Ross, Senior Deputy  
Civil Unit

Posted at [www.oregonsheriffs.org](http://www.oregonsheriffs.org)

Attorney: Angela M. Michael

**All potential bidders are subject to inspection of funds prior to or during participation in the auction. Individuals without proof of sufficient funds will not be allowed to participate.**



pd \$ 35,550  
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13 JAN 10 PM 1:35  
SHERIFF'S OFFICE  
CIVIL PROCESS UNIT

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

NATIONSTAR MORTGAGE LLC

Case No.: 1206-07799

Plaintiff,

WRIT OF EXECUTION IN  
FORECLOSURE

vs.

IVAN KING; JEANNIE ELIZABETH KING;  
U.S. BANK NATIONAL ASSOCIATION ND;  
FIA CARD SERVICES N.A.; DISCOVER  
BANK; STATE OF OREGON; OCCUPANTS  
OF THE PROPERTY at 1115 SE 149th PLACE;  
OCCUPANTS OF THE PROPERTY at 1117 SE  
149th PLACE

Defendants.

**TO THE MULTNOMAH COUNTY SHERIFF**

A Judgment of Foreclosure was entered and docketed in this case on 11/20/2012. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Judgment Creditor:

NATIONSTAR MORTGAGE LLC  
c/o Attorney for Plaintiff  
Russell Whittaker, OSB #115540  
Angela M. Michael, OSB# 102929  
McCarthy & Holthus, LLP  
920 SW 3<sup>rd</sup> Avenue, 1<sup>st</sup> Floor  
Portland, OR 97204  
amichael@mccarthyholthus.com

With a money award in the amount of \$258,206.22, plus post judgment interest at the statutory rate of 9.0% per annum from 11/20/2012 to 12/13/2012 in the amount of \$1,464.41, and continuing with a per diem of \$63.67, currently totaling \$260,179.97.

Writ of Execution - 1  
OR-12-504187-JUD

McCarthy & Holthus, LLP  
8995 SW Miley Rd., Suite 103  
Wilsonville, OR 97070  
Phone: (877) 369-6122, Ext. 3370  
Fax No: (503) 694-1460

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**NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON,** you are hereby commanded to sell, in the manner prescribed by law for the sale of real property on execution (subject to redemption of 6 months), all of the interest that the Defendant had on or about 11/13/2006, the date of the Deed of Trust, and also the interest that the Defendant had thereafter, in the real property described as follows:

LOT 4, BLOCK 2, MONTARA, COUNTY OF MULTNOMAH, STATE OF OREGON.

APN/Parcel #: R220175

and commonly known as: 1115 & 1117 SE 149th Place, Portland, OR 97233.

Sale of the property is to satisfy the sum listed above, plus the costs incurred in performing this Writ. You are to make the return within 60 days after you receive this Writ. Should the sale be continued, the writ may be automatically extended for 30 days.

**DATED:** 8 day of Jan, 2013  
  
 Title \_\_\_\_\_  
 By: Clerk  


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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

NATIONSTAR MORTGAGE LLC

Plaintiff,

vs.

IVAN KING; JEANNIE ELIZABETH KING;  
U.S. BANK NATIONAL ASSOCIATION ND;  
FIA CARD SERVICES N.A.; DISCOVER  
BANK; STATE OF OREGON; OCCUPANTS  
OF THE PROPERTY at 1115 SE 149<sup>th</sup> PLACE;  
OCCUPANTS OF THE PROPERTY at 1117 SE  
149<sup>th</sup> PLACE

Defendants.

Case No.: 1206-07799

GENERAL JUDGMENT OF  
FORECLOSURE AS TO IVAN KING,  
JEANNIE ELIZABETH KING, U.S.  
BANK NATIONAL ASSOCIATION ND,  
FIA CARD SERVICES N.A., DISCOVER  
BANK, STATE OF OREGON, and the  
OCCUPANTS OF THE PROPERTY at  
1115 SE 149<sup>th</sup> PLACE, OCCUPANTS OF  
THE PROPERTY at 1117 SE 149<sup>th</sup> PLACE  
  
MONEY JUDGMENT IN REM AGAINST  
THE PROPERTY

1.

THIS MATTER came before the Court on Plaintiff's motion. Defendants IVAN KING, JEANNIE ELIZABETH KING, U.S. BANK NATIONAL ASSOCIATION ND, FIA CARD SERVICES N.A., DISCOVER BANK, STATE OF OREGON, and the OCCUPANTS OF THE PROPERTY at 1115 SE 149<sup>th</sup> PLACE, OCCUPANTS OF THE PROPERTY at 1117 SE 149<sup>th</sup> PLACE ("Defendants") were duly served with process and failed to appear; the default has been entered against all Defendants, and it appearing that Defendants are not incapacitated, a protected persons, a respondent as defined in ORS 125.005, a minor, or in the military service of the United States, now therefore,

///

General Judgment of Foreclosure - 1  
MH OR-12-504187-JUD

McCarthy & Holthus, LLP  
8995 SW Milley Road #103  
Wilsonville, OR 97070  
PH: 877-369-6122, Ext. 3370  
FX: 503-694-1460

2.

IT IS HEREBY ORDERED AND ADJUDGED that Plaintiff shall have judgment as follows:

- 1. A money judgment shall be granted against the Property, *In Rem*, as listed below.
- 2. Plaintiff's lien is a valid first lien upon the property commonly known as 1115 & 1117 SE 149th Place, Portland, OR 97233, in Multnomah County, Oregon (the "Property") and legally described as follows:

LOT 4, BLOCK 2, MONTARA, COUNTY OF MULTNOMAH, STATE OF OREGON.

APN/Parcel #R220175

and that lien is superior to any interest, lien or claim of the Defendants.

- 3. Plaintiff's lien is foreclosed and the Property shall be sold at a foreclosure sale by the Multnomah County Sheriff (the "Sheriff") in the manner provided by law, and the proceeds thereof are to be applied first toward the costs of sale; then toward the satisfaction of plaintiff's judgment awarded herein; and the surplus, if any, to such party or parties as may establish their right thereto.
- 4. Any increased interest and such additional amounts as Plaintiff may advance for taxes, assessments, municipal charges, and such other items as may constitute liens on the property, together with insurance and repairs necessary to prevent the impairment of the security, together with interest thereon from the date of payment may also be added to the judgment and paid from sale of the Property.
- 5. Defendants, and all persons claiming by, through, or under them, as purchasers, encumbrancers, or otherwise, are adjudged inferior and subordinate to Plaintiff and are forever foreclosed of all interest, lien, or claim in the real property described above and every portion thereof, excepting only any statutory right of redemption as Defendants may have therein.



## MONEY AWARD:

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- 3 a. Judgment Creditor: NATIONSTAR MORTGAGE LLC
- 4 b. Judgment Creditor's Address: c/o McCarthy & Holthus, LLP (see (c.))
- 5 c. Judgment Creditor's Date of Birth: N/A
- 6 d. Attorney for Judgment Creditor: Matthew Booth, OSB #082663  
Russell Whittaker, OSB #115540  
Erica Day, OSB# 113653  
Scott Mitchell, OSB# 114644  
Angela Michael, OSB# 102929  
Robert Hakari, OSB# 114082
- 7
- 8 e. Attorney for Judgment Creditor's Address & Phone No.: 8995 SW Miley Rd., Suite 103  
Wilsonville, OR 97070 [877-369-6122, Ext. 3370]
- 9 f. Judgment Debtor name: *Judgment Debtor*  
In Rcm Against the Property
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- 11 g. Judgment Debtor's Address: 1115 & 1117 SE 149th Place,  
Portland, OR 97233  
Multnomah County
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- 13 h. Judgment Debtor's date of birth n/a
- 14 i. Judgment Debtor's SS No. n/a
- 15 j. Judgment Debtor's driver's lic. No. Unknown
- 16 k. Attorney for Judgment Debtor No appearance filed
- 17 l. Attorney for Judgment Debtor's Address and Phone No.: N/A
- 18 m. Other Persons Entitled to Payment Address: None.  
N/A
- 19 n. Judgment Principal Amount \$236,000.00
- 20 o. Pre-Judgment Interest accruing from 09/01/2011 to 11/06/2012 at the Note rate, currently at the rate of 3.125: \$11,876.36
- 21 p. Post-Judgment Interest shall accrue at 9.0% (per ORS 82.010) per annum, with a per diem of \$63.67 from the date of the judgment: \$0.00
- 22 q. Other Amounts Due Under Terms of Loan:
- 23 • Escrow Advance: \$6,191.45
- 24 • Accumulated late charges: \$558.06
- 25 • Recoverable balances due under loan, including but not limited to property preservation costs, property inspection and valuation fees, and prior
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foreclosure expense: \$1,114.35  
 Costs, Disbursements, and  
 Litigation Expenses:  
 • Litigation expense (litigation  
 guarantee policy):  
 • Filing fees: \$150.00  
 • Recording fees: \$505.00  
 • Service fees: \$36.00  
 \$925.00  
 s. Attorney fees awarded: \$850.00

**Total Judgment (Money Award): \$258,206.22**

Dated: \_\_\_\_ day of NOV 19, 2012

151 Nan G. Waller  
 JUDGE **NAN G. WALLER**

Presented by:  
**McCarthy & Holthus, LLP**

Erica Day  
 Matthew Booth, OSB #083663  
 Russell Whittaker, OSB #115540  
 Erica Day, OSB# 113653  
 Scott Mitchell, OSB# 114644  
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 Of Attorneys for Plaintiff