

REVENUE: No revenue impact

FISCAL: No fiscal impact

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| Action: | Do Pass as Amended, Be Printed Engrossed, and Be Placed on the Consent Calendar |
| Vote: | 9 - 0 - 0 |
| Yeas: | Doherty, Johnson, Keny-Guyer, Lively, Richardson, Smith, Thatcher, Vega Pederson, Holvey |
| Nays: | 0 |
| Exc.: | 0 |
| Prepared By: | Bob Estabrook, Administrator |
| Meeting Dates: | 2/21, 3/14 |

WHAT THE MEASURE DOES: Adds law practice to list of entities eligible for appointment as trustee of trust deed. Authorizes attorneys who are part of trustee law practice, or who share law practice with trustee attorney, to sign documents.

ISSUES DISCUSSED:

- Current list of entities eligible for appointment as trustee
- Potential for delay in assigning single attorney as trustee

EFFECT OF COMMITTEE AMENDMENT: Specifies statement attorney signing on behalf of trustee must make on signed document. Clarifies definition of law practice.

BACKGROUND: Existing law authorizes certain entities, including financial institutions, title insurance companies and escrow agents, to serve as trustees of trust deeds. Individual attorneys who are active members of the Oregon State Bar are included, but no provision is made for a law practice to act as trustee. The Debtor-Creditor Section of the Oregon State Bar reports that by limiting trustee designations to individual attorneys, the current statute injects delays into the process of executing trust deeds whenever an individual attorney trustee is unavailable to sign documents.

House Bill 2569 A allows a law practice to be named trustee for a trust deed and authorizes an attorney who is an active member of the Oregon State Bar and who is a shareholder, partner, member or employee of the trustee practice or the practice that includes the trustee attorney to sign a document on behalf of the trustee. The signature must be accompanied by the attorney's name, bar number and a statement that the trustee has authorized the attorney to sign.