

REVENUE: No revenue impact

FISCAL: No fiscal impact

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<b>Action:</b>	Do Pass
<b>Vote:</b>	4 - 0 - 1
<b>Yeas:</b>	George, Monnes Anderson, Prozanski, Shields
<b>Nays:</b>	0
<b>Exc.:</b>	Baertschiger
<b>Prepared By:</b>	Channa Newell, Administrator
<b>Meeting Dates:</b>	4/26

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**WHAT THE MEASURE DOES:** Specifies that after judicial or bankruptcy stay is terminated on property in foreclosure proceedings, trustee's amended notice of sale of property must describe only those defaults that existed on date stay was terminated. Allows trustee to postpone sale of property released from stay for certain period of time.

**ISSUES DISCUSSED:**

- Support from Oregon State Bar's Debtor-Creditor Section
- Identifying areas of confusion in trustee's sale procedures
- Legislation in 2012 (Senate Bill 1552) relating to foreclosures

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** During a bankruptcy, a stay, or hold, is put on any judicial, administrative, or other action against the debtor, as well as the enforcement of any liens or judgments. This includes a halt on foreclosures. Once the stay has ended, the foreclosure may proceed if the homeowner is still in default. ORS 86.755 requires amended notice of the trustee's sale if a postponed sale is to proceed. Proponents assert there is confusion among practitioners as to the duties of the trustee when resuming a foreclosure by notice after a stay has been lifted and to the authority the trustee has to postpone a sale after a stay is terminated.

House Bill 2568 amends the notice statutes to specify that the amended notice of sale after the stay is terminated must describe only the defaults that exist at the time the stay is terminated, not the defaults that existed at the time of foreclosure. The measure also allows the trustee to postpone the sale for either 60 days in total or the remainder of the 180-day period allowed for postponement that was unused at the time of the stay.