

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass with Amendments to the A-Engrossed Measure. (Printed B-Engrossed)

Vote: 5 - 0 - 0

Yeas: Baertschiger, George, Monnes Anderson, Prozanski, Shields

Nays: 0

Exc.: 0

Prepared By: Channa Newell, Administrator

Meeting Dates: 5/22, 5/31

WHAT THE MEASURE DOES: Requires sheriff post notice of execution sale of real property on website for at least 28 days, and publish notice in newspaper in county where real property is located weekly for four consecutive weeks. Requires both newspaper and website notices include names of parties subject to writ of execution, street address or tax lot number of property, and date, time and place of sale. Requires website notice to include legal description of property. Provides that sheriff is not required to post notice of sale until sheriff receives required information from judgment creditor. Applies to execution sales on or after August 1, 2013. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Updating methods of providing notice of foreclosure
- Technical changes proposed by amendments
- One specific, dedicated website for all sheriffs to post foreclosure notices

EFFECT OF COMMITTEE AMENDMENT: Modifies notice requirements of execution sales. Specifies measure apply only to execution sales on or after August 1, 2013.

BACKGROUND: Under Oregon law, a sheriff must give written notice of an execution sale of real property. These sales are often to satisfy judgments on homes in foreclosures. The notice must include a legal description of the property and the street address, along with suggestions for prospective bidders. Notice must be given via mail to the judgment debtor, the attorney for the judgment debtor, and others entitled to notice. The notice must be posted on the property and be published in the newspaper of general circulation in the county in which the property is located. The newspaper notice must run weekly for four consecutive weeks before the sheriff may conduct the sale. The sheriff is required to post the notice online for at least 28 days if such a website has been established by the sheriff and if the judgment creditor requests publishing online rather than in the newspaper.

House Bill 2822-B requires the sheriff to publish notice via the Internet and newspaper and includes additional details in the notice requirement: the name of the parties subject to sale, the physical address or tax lot number, the date of sale, the place of sale, and, in newspaper notices, instructions for finding the information online. The measure also requires each elected sheriff to establish and maintain a website for legal notices required by law.