

A-Engrossed
House Bill 2822

Ordered by the House April 17
Including House Amendments dated April 17

Sponsored by COMMITTEE ON CONSUMER PROTECTION AND GOVERNMENT EFFICIENCY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Disallows publication of notice of sale of real property by Internet posting without additional publication in newspaper of general circulation.]

Requires publication of information about execution sale of real property by Internet posting and in newspaper of general circulation. Requires elected sheriffs to maintain website for posting of certain legal notices.

A BILL FOR AN ACT

1
2 Relating to execution sales of real property; creating new provisions; and amending ORS 18.924 and
3 18.926.

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

5 **SECTION 1.** ORS 18.924 is amended to read:

6 18.924. *[(1) Before conducting an execution sale of real property, a sheriff shall give written notice*
7 *of the sale in the manner provided by this section. The notice must identify the property to be sold by*
8 *legal description and by street address, if any, and the time and place of the sale, and must include]*

9 **(1) Before publishing information in a newspaper under subsection (5) of this section and**
10 **for at least 28 days before conducting an execution sale of real property, a sheriff shall**
11 **publish notice of the sale by Internet posting on the website established under ORS 18.926.**

12 **The notice must include:**

13 **(a) The name of the owner of the property subject to the sale;**

14 **(b) The legal description of the property;**

15 **(c) The street address of the property, if any;**

16 **(d) The tax lot number of the property;**

17 **(e) The date of the sale;**

18 **(f) The place of the sale; and**

19 **(g) The following notice:**

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

23 (a) The priority of the lien or interest of the judgment creditor;

24 (b) Land use laws and regulations applicable to the property;

25 (c) Approved uses for the property;

26 (d) Limits on farming or forest practices on the property;

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

- 1 (e) Rights of neighboring property owners; and
 - 2 (f) Environmental laws and regulations that affect the property.
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5 (2) Before any execution sale of real property, the sheriff shall:

6 (a) Mail copies of the notice of sale **published under subsection (1) of this section** by first
7 class mail and by certified mail, return receipt requested, to the judgment debtor at the address
8 provided in the instructions to the sheriff;

9 (b) Mail a copy of the notice of sale **published under subsection (1) of this section** by first
10 class mail to any attorney for the judgment debtor identified in the instructions at the address
11 provided in the instructions; and

12 (c) Mail a copy of the notice of sale **published under subsection (1) of this section** by first
13 class mail to any other person listed in the instructions pursuant to ORS 18.918 at the address
14 provided in the instructions.

15 (3) The notices required by subsection (2) of this section must be mailed not less than 28 days
16 before an execution sale is conducted.

17 (4) Before any execution sale of real property for which the judgment creditor has provided a
18 street address under ORS 18.875 (3), the sheriff shall post [a] **the notice of the sale published under**
19 **subsection (1) of this section** in a conspicuous place on the property. The notice must be posted
20 not more than seven days after the sheriff mails notices as required by subsection (2) of this section.

21 (5) **In addition to publication of the notice of sale by Internet posting under subsection**
22 **(1) of this section**, the sheriff shall publish [a copy of the notice of] **information about the** sale of
23 real property once a week for four successive weeks in a newspaper of general circulation in the
24 county where the real property is located. The sheriff may not conduct the sale until the expiration
25 of the four-week period. **The information published under this subsection must include:**

26 (a) **The name of the owner of the property subject to the sale;**

27 (b) **The street address of the property, if any;**

28 (c) **The tax lot number of the property;**

29 (d) **The date of the sale;**

30 (e) **The place of the sale; and**

31 (f) **Instructions for locating the information published on the website under subsection**
32 **(1) of this section.**

33 *[(6) In lieu of publication in a newspaper under subsection (5) of this section, a sheriff shall publish*
34 *a notice of sale of real property by Internet posting if a website has been established under ORS 18.926*
35 *for the purpose of giving legal notices under ORS 18.860 to 18.993, and the judgment creditor has re-*
36 *quested that notice be published by Internet posting in the instructions provided to the sheriff under*
37 *ORS 18.875. Subject to ORS 18.926 (3), the notice must be posted on the Internet not less than 28 days*
38 *before the date identified in the notice of sale and remain posted until that date.]*

39 **SECTION 2.** ORS 18.926 is amended to read:

40 18.926. (1) *[A website where legal notices under ORS 18.860 to 18.993 may be posted shall be es-*
41 *tablished if a majority of the elected sheriffs in this state enter into an intergovernmental agreement*
42 *under ORS chapter 190 for the purpose of establishing and maintaining the website.]* **The elected**
43 **sheriffs of this state shall establish and maintain a website where legal notices under ORS**
44 **18.860 to 18.993 may be posted. The sheriffs may enter into an intergovernmental agreement**
45 **for establishing and maintaining the website.**

1 (2) An intergovernmental agreement entered into under this section may establish fees for
2 posting legal notices on a website maintained under this section.

3 (3) For the purpose of determining whether a legal notice has been posted for the period of time
4 required by law, an interruption of service of a website maintained under this section that does not
5 exceed 48 hours does not affect the continuity of the posting. An interruption of service of a website
6 maintained under this section does not prevent the sheriff from conducting an execution sale unless
7 the court orders otherwise.

8 **SECTION 3. The amendments to ORS 18.924 by section 1 of this 2013 Act apply only to**
9 **execution sales conducted on or after the effective date of this 2013 Act.**

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