

**B-Engrossed**  
**House Bill 2822**

Ordered by the Senate June 6  
Including House Amendments dated April 17 and Senate Amendments  
dated June 6

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.

Requires publication of [*information about*] **notice of 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.

**Declares emergency, effective on passage.**

**A BILL FOR AN ACT**

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

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 conducting an execution sale of real property, a sheriff shall:**

10 **(a) Post notice of the sale on the website established under ORS 18.926 for at least 28**  
11 **days; and**

12 **(b) Publish notice of the sale in a newspaper, as defined in ORS 193.010, in the county**  
13 **where the real property is located once a week for four successive weeks.**

14 **(2) The notice posted on the website and published in the newspaper under subsection (1)**  
15 **of this section must include:**

16 **(a) The names of the parties subject to the writ of execution;**

17 **(b) The street address of the property or, if there is no street address, the tax lot number**  
18 **of the property; and**

19 **(c) The date, time and place of the execution sale.**

20 **(3) In addition to the information listed in subsection (2) of this section, the notice posted**  
21 **on the website under subsection (1) of this section must include:**

22 **(a) The legal description of the property; and**

23 **(b) The following notice:**

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

**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 (a) The priority of the lien or interest of the judgment creditor;
  - 2 (b) Land use laws and regulations applicable to the property;
  - 3 (c) Approved uses for the property;
  - 4 (d) Limits on farming or forest practices on the property;
  - 5 (e) Rights of neighboring property owners; and
  - 6 (f) Environmental laws and regulations that affect the property.
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9 **(4) In addition to the information listed in subsection (2) of this section, a notice published in the newspaper under subsection (1) of this section must include instructions for locating the information posted on the website under subsection (1) of this section.**

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12 **(5) The sheriff is not required to post or publish the notice of sale of real property under this section until the judgment creditor provides the sheriff with all of the information required under subsections (2) and (3) of this section.**

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15 [(2)] **(6)** Before any execution sale of real property, the sheriff shall:

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

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

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

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25 [(3)] **(7)** The notices required by subsection [(2)] **(6)** of this section must be mailed not less than 28 days before an execution sale is conducted.

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27 [(4)] **(8)** Before any execution sale of real property for which the judgment creditor has provided a street address under ORS 18.875 (3), the sheriff shall post [*a*] **the notice of the sale posted on the website under subsection (1) of this section** in a conspicuous place on the property. The notice must be posted not more than seven days after the sheriff mails notices as required by subsection [(2)] **(6)** of this section.

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32 [(5) *The sheriff shall publish a copy of the notice of sale of real property once a week for four successive weeks in a newspaper of general circulation in the county where the real property is located. The sheriff may not conduct the sale until the expiration of the four-week period.*]

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

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

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

1 **18.860 to 18.993 may be posted. The sheriffs may enter into an intergovernmental agreement**  
2 **for establishing and maintaining the website.**

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

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

10 **SECTION 3. The amendments to ORS 18.924 by section 1 of this 2013 Act apply only to**  
11 **execution sales for which the sheriff receives instructions under ORS 18.875 on or after Au-**  
12 **gust 1, 2013.**

13 **SECTION 4. This 2013 Act being necessary for the immediate preservation of the public**  
14 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
15 **on its passage.**

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