

## HOUSE AMENDMENTS TO HOUSE BILL 2822

By COMMITTEE ON CONSUMER PROTECTION AND GOVERNMENT EFFICIENCY

April 17

1 On page 1 of the printed bill, line 2, after “18.924” insert “and 18.926”.

2 Delete lines 4 through 31.

3 On page 2, delete lines 1 through 11 and insert:

4 “**SECTION 1.** ORS 18.924 is amended to read:

5 “18.924. [(1) Before conducting an execution sale of real property, a sheriff shall give written notice  
6 of the sale in the manner provided by this section. The notice must Identify the property to be sold by  
7 legal description and by street address, if any, and the time and place of the sale, and must include]

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

12 “(a) The name of the owner of the property subject to the sale;

13 “(b) The legal description of the property;

14 “(c) The street address of the property, if any;

15 “(d) The tax lot number of the property;

16 “(e) The date of the sale;

17 “(f) The place of the sale; and

18 “(g) The following notice:

19 “

20

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

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

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

24 (c) Approved uses for the property;

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

26 (e) Rights of neighboring property owners; and

27 (f) Environmental laws and regulations that affect the property.

28 “

29

30 “(2) Before any execution sale of real property, the sheriff shall:

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

34 “(b) Mail a copy of the notice of sale **published under subsection (1) of this section** by first  
35 class mail to any attorney for the judgment debtor identified in the instructions at the address

1 provided in the instructions; and

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

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

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

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

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

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

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

19 “(d) **The date of the sale;**

20 “(e) **The place of the sale; and**

21 “(f) **Instructions for locating the information published on the website under subsection**  
22 **(1) of this section.**

23 “[6] *In lieu of publication in a newspaper under subsection (5) of this section, a sheriff shall*  
24 *publish a notice of sale of real property by Internet posting if a website has been established under*  
25 *ORS 18.926 for the purpose of giving legal notices under ORS 18.860 to 18.993, and the judgment*  
26 *creditor has requested that notice be published by Internet posting in the instructions provided to the*  
27 *sheriff under ORS 18.875. Subject to ORS 18.926 (3), the notice must be posted on the Internet not less*  
28 *than 28 days before the date identified in the notice of sale and remain posted until that date.]*

29 “**SECTION 2.** ORS 18.926 is amended to read:

30 “18.926. (1) [A website where legal notices under ORS 18.860 to 18.993 may be posted shall be  
31 established if a majority of the elected sheriffs in this state enter into an intergovernmental agreement  
32 under ORS chapter 190 for the purpose of establishing and maintaining the website.] **The elected**  
33 **sheriffs of this state shall establish and maintain a website where legal notices under ORS**  
34 **18.860 to 18.993 may be posted. The sheriffs may enter into an intergovernmental agreement**  
35 **for establishing and maintaining the website.**

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

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

43 In line 12, delete “2” and insert “3”.