

House Bill 2822

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 **as introduced**.

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

A BILL FOR AN ACT

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

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

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 no-
6 tice of the sale in the manner provided by this section. The notice must identify the property to be
7 sold by legal description and by street address, if any, and the time and place of the sale, and must
8 include the following notice:

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

- 12 (a) The priority of the lien or interest of the judgment creditor;
13 (b) Land use laws and regulations applicable to the property;
14 (c) Approved uses for the property;
15 (d) Limits on farming or forest practices on the property;
16 (e) Rights of neighboring property owners; and
17 (f) Environmental laws and regulations that affect the property.

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

21 (a) Mail copies of the notice of sale by first class mail and by certified mail, return receipt re-
22 quested, to the judgment debtor at the address provided in the instructions to the sheriff;

23 (b) Mail a copy of the notice of sale by first class mail to any attorney for the judgment debtor
24 identified in the instructions at the address provided in the instructions; and

25 (c) Mail a copy of the notice of sale by first class mail to any other person listed in the in-
26 structions pursuant to ORS 18.918 at the address provided in the instructions.

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

29 (4) Before any execution sale of real property for which the judgment creditor has provided a
30 street address under ORS 18.875 (3), the sheriff shall post a notice of the sale in a conspicuous place
31 on the property. The notice must be posted not more than seven days after the sheriff mails notices

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 as required by subsection (2) of this section.

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

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

12 **SECTION 2. The amendments to ORS 18.924 by section 1 of this 2013 Act apply only to**
13 **execution sales conducted on or after the effective date of this 2013 Act.**

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