

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2822

By COMMITTEE ON GENERAL GOVERNMENT, CONSUMER AND SMALL BUSINESS
PROTECTION

June 6

1 On page 1 of the printed A-engrossed bill, line 2, after “provisions” delete the rest of the line
2 and delete line 3 and insert “; amending ORS 18.924 and 18.926; and declaring an emergency.”.

3 Delete lines 5 through 26.

4 On page 2, delete lines 1 through 38 and insert:

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**
15 **(1) 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**
18 **number 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**
21 **posted 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:**

24 “

25
26 Before bidding at the sale, a prospective bidder should independently investigate:

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

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

29 (c) Approved uses for the property;

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

31 (e) Rights of neighboring property owners; and

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

33 “

34
35 “(4) **In addition to the information listed in subsection (2) of this section, a notice pub-**

1 **lished in the newspaper under subsection (1) of this section must include instructions for**
2 **locating the information posted on the website under subsection (1) of this section.**

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

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

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

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

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

16 “[3] (7) The notices required by subsection [(2)] (6) of this section must be mailed not less than
17 28 days before an execution sale is conducted.

18 “[4] (8) Before any execution sale of real property for which the judgment creditor has pro-
19 vided a street address under ORS 18.875 (3), the sheriff shall post [a] **the notice of the sale posted**
20 **on the website under subsection (1) of this section** in a conspicuous place on the property. The
21 notice must be posted not more than seven days after the sheriff mails notices as required by sub-
22 section [(2)] (6) of this section.

23 “[5] *The sheriff shall publish a copy of the notice of sale of real property once a week for four*
24 *successive weeks in a newspaper of general circulation in the county where the real property is located.*
25 *The sheriff may not conduct the sale until the expiration of the four-week period.]*

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

32 On page 3, delete lines 8 and 9 and insert:

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

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