

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2822**

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*  
6 *shall give written notice of the sale in the manner provided by this section.*  
7 *The notice must Identify the property to be sold by legal description and by*  
8 *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**  
10 **(5) of this section and for at least 28 days before conducting an exe-**  
11 **cutio sale of real property, a sheriff shall publish notice of the sale**  
12 **by Internet posting on the website established under ORS 18.926. The**  
13 **notice must include:**

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

15 **“(b) The legal description of the property;**

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

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

18 **“(e) The date of the sale;**

19 **“(f) The place of the sale; and**

20 **“(g) The following notice:**

21 “  
22 \_\_\_\_\_  
Before bidding at the sale, a prospective bidder should independently in-

1 vestigate:

- 2 (a) The priority of the lien or interest of the judgment creditor;
- 3 (b) Land use laws and regulations applicable to the property;
- 4 (c) Approved uses for the property;
- 5 (d) Limits on farming or forest practices on the property;
- 6 (e) Rights of neighboring property owners; and
- 7 (f) Environmental laws and regulations that affect the property.

8 “ \_\_\_\_\_

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

10 “(a) Mail copies of the notice of sale **published under subsection (1)**  
11 **of this section** by first class mail and by certified mail, return receipt re-  
12 quested, to the judgment debtor at the address provided in the instructions  
13 to the sheriff;

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

17 “(c) Mail a copy of the notice of sale **published under subsection (1)**  
18 **of this section** by first class mail to any other person listed in the in-  
19 structions pursuant to ORS 18.918 at the address provided in the in-  
20 structions.

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

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

29 “(5) **In addition to publication of the notice of sale by Internet**  
30 **posting under subsection (1) of this section**, the sheriff shall publish [a

1 *copy of the notice of]* **information about the** sale of real property once a  
2 week for four successive weeks in a newspaper of general circulation in the  
3 county where the real property is located. The sheriff may not conduct the  
4 sale until the expiration of the four-week period. **The information pub-**  
5 **lished under this subsection must include:**

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

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

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

9 **“(d) The date of the sale;**

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

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

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

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

22 **“18.926. (1)** *[A website where legal notices under ORS 18.860 to 18.993 may*  
23 *be posted shall be established if a majority of the elected sheriffs in this state*  
24 *enter into an intergovernmental agreement under ORS chapter 190 for the*  
25 *purpose of establishing and maintaining the website.]* **The elected sheriffs**  
26 **of this state shall establish and maintain a website where legal notices**  
27 **under ORS 18.860 to 18.993 may be posted. The sheriffs may enter into**  
28 **an intergovernmental agreement for establishing and maintaining the**  
29 **website.**

30 **“(2)** An intergovernmental agreement entered into under this section may

1 establish fees for posting legal notices on a website maintained under this  
2 section.

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

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

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