

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 2822**

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

4 Delete lines 5 through 26.

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

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

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

11 **“(1) Before conducting an execution sale of real property, a sheriff**  
12 **shall:**

13 **“(a) Post notice of the sale on the website established under ORS**  
14 **18.926 for at least 28 days; and**

15 **“(b) Publish notice of the sale in a newspaper, as defined in ORS**  
16 **193.010, in the county where the real property is located once a week**  
17 **for four successive weeks.**

18 **“(2) The notice posted on the website and published in the newspa-**  
19 **per under subsection (1) of this section must include:**

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

21 **“(b) The street address of the property, or if there is no street ad-**  
22 **dress, the tax lot number of the property; and**

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

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

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

6       **“(b) The following notice:**

7       “ \_\_\_\_\_  
8       Before bidding at the sale, a prospective bidder should independently in-  
9 vestigate:

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

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

12       (c) Approved uses for the property;

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

14       (e) Rights of neighboring property owners; and

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

16       “ \_\_\_\_\_  
17       **“(4) In addition to the information listed in subsection (2) of this**  
18 **section, a notice published in the newspaper under subsection (1) of**  
19 **this section must include instructions for locating the information**  
20 **posted on the website under subsection (1) of this section.**

21       **“(5) The sheriff is not required to post or publish the notice of sale**  
22 **of real property under this section until the judgment creditor pro-**  
23 **vides the sheriff with all of the information required under subsections**  
24 **(2) and (3) of this section.**

25       “[(2)] (6) Before any execution sale of real property, the sheriff shall:

26       “(a) Mail copies of the notice of sale **posted on the website under**  
27 **subsection (1) of this section** by first class mail and by certified mail, re-  
28 turn receipt requested, to the judgment debtor at the address provided in the  
29 instructions to the sheriff;

30       “(b) Mail a copy of the notice of sale **posted on the website under**

1 **subsection (1) of this section** by first class mail to any attorney for the  
2 judgment debtor identified in the instructions at the address provided in the  
3 instructions; and

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

8 “[3] **(7)** The notices required by subsection [(2)] **(6)** of this section must  
9 be mailed not less than 28 days before an execution sale is conducted.

10 “[4] **(8)** Before any execution sale of real property for which the judg-  
11 ment creditor has provided a street address under ORS 18.875 (3), the sheriff  
12 shall post [a] **the notice of the sale posted on the website under sub-**  
13 **section (1) of this section** in a conspicuous place on the property. The no-  
14 tice must be posted not more than seven days after the sheriff mails notices  
15 as required by subsection [(2)] **(6)** of this section.

16 “[5] *The sheriff shall publish a copy of the notice of sale of real property*  
17 *once a week for four successive weeks in a newspaper of general circulation in*  
18 *the county where the real property is located. The sheriff may not conduct the*  
19 *sale until the expiration of the four-week period.]*

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

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

29 **“SECTION 3. The amendments to ORS 18.924 by section 1 of this**  
30 **2013 Act apply only to execution sales for which the sheriff receives**

1 **instructions under ORS 18.875 on or after the effective date of this 2013**  
2 **Act.**

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

6

---