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Written Testimony before the House Rules Committee in Support of Senate Bill 27

Chair Hoyle, Vice-Chair Gilliam, Vice-Chair Smith Warner, Rep. McLane, Rep. Barnhart, Rep. Kenemer, Rep. Nosse, Rep. Rayfield and Rep. Wilson,

Thank you for the opportunity to appear at today's hearing regarding Senate Bill 27. The Oregon Association of County Clerk's (OACC) supports SB 27, the Association's housekeeping bill. The proposed corrections resolve contradictions and repeal an outdated provision in the statutes, and offer to complete the public notice requirements for the Sheriff's sale of real property. The changes recommended by OACC include:

- Counties can collect a \$20 penalty if a document presented for recording does not comply with first page requirements. The fix changes the word "**and**" to "**or**" and is currently a common practice used by counties to prevent the rejection of otherwise recordable documents.
- Repeals ORS 294.085, an outdated requirement for a county court or board of county commissioners to physically examine all books and papers and that the county clerk and clerk of the county court exhibit the orders, vouchers, stubs of warrants along with all the other books and papers related to the county's financial affairs twice each year.
- The fee for solemnizing a marriage in ORS 205.320 is amended to match the fee in ORS 106.120 that was changed in 2014 by House Bill 4066.
- The time frame of 10 days in ORS 106.170 is amended to match the time frame of five calendar days in ORS 432.405 that became effective through HB 2093 in the 2013 Session.
- Sheriff's Certificates of Sale are issued by a Sheriff's Office to the highest bidder at a public auction in connection with a judicial foreclosure. Certificates issued to the purchaser at public auction are subject to a 180 day redemption period. Certificates of sale are currently not required to be recorded and are frequently assigned to a new purchaser. With most other assignments the underlying right title of interest is already recorded (see ORS 205.130(3)(d)). This amendment will align legislative intent with other statutes and require assignments to be accepted only when the certificates have been recorded. This will enhance the constructive notice to those examining the public record.

The Oregon Association of County Clerk's urges you to support SB 27.