

SENATE AMENDMENTS TO SENATE BILL 367

By COMMITTEE ON JUDICIARY

February 25

1 On page 3 of the printed bill, delete lines 16 through 45 and delete page 4 and insert:

2 “**SECTION 5.** ORS 94.712 is amended to read:

3 “94.712. (1) **Except as provided in subsection (4) of this section,** an owner [*shall be*] is per-
4 sonally liable for all assessments imposed on the owner or assessed against the owner’s lot by the
5 homeowners association.

6 “(2)(a) Subject to paragraph (b) of this subsection, in a voluntary conveyance of a lot, the
7 grantee shall be jointly and severally liable with the grantor for all unpaid assessments against the
8 grantor of the lot to the time of the grant or conveyance, without prejudice to the grantee’s right
9 to recover from the grantor the amounts paid by the grantee therefor.

10 “(b) Upon request of an owner or owner’s agent, for the benefit of a prospective purchaser, the
11 board of directors shall make and deliver a written statement of the unpaid assessments against the
12 prospective grantor or the lot effective through a date specified in the statement, and the grantee
13 in that case shall not be liable for any unpaid assessments against the grantor not included in the
14 written statement.

15 “(3) An escrow agent or a title insurance company providing escrow services or issuing title
16 insurance in conjunction with the conveyance:

17 “(a) May rely on a written statement of unpaid assessments delivered pursuant to **subsection**
18 **(2) of this section;** and

19 “(b) Is not liable for a failure to pay the association at closing any amount in excess of the
20 amount set forth in the written statement.

21 “(4) **During the redemption period that follows an execution sale conducted under ORS**
22 **18.860 to 18.993, a certificate holder, as defined in ORS 18.960, is solely liable for all assess-**
23 **ments that come due during the redemption period.**

24 “(5) **For purposes of ORS 94.550 to 94.783, when the redemption period described in ORS**
25 **18.964 ends and the claimant has not redeemed the lot, the certificate holder is deemed the**
26 **owner of a lot sold by execution sale, without regard to whether the certificate holder has**
27 **caused the sheriff to execute and deliver a deed under ORS 18.985.**

28 “**SECTION 6.** ORS 100.475 is amended to read:

29 “100.475. (1) **Except as provided in subsection (5) of this section,** a unit owner [*shall be*] is
30 personally liable for all assessments imposed on the unit owner or assessed against the unit by the
31 association of unit owners.

32 “(2) [*Where*] **If** the purchaser of a unit obtains title to the unit as a result of foreclosure of the
33 first mortgage or trust deed, [*such*] **the** purchaser, **and** the successors and assigns of the purchaser,
34 [*shall not be*] **are not** liable for any of the assessments against [*such*] **the** unit or its owner [*which*]
35 **that** became due prior to the acquisition of title to [*such*] **the** unit by [*such*] **the** purchaser except

1 as specifically provided otherwise in ORS 100.450. [*Such*] **The** unpaid assessments [*shall be*] **are** a
2 common expense of all the unit owners, including [*such*] **the** purchaser[,] **and** the successors and
3 assigns of the purchaser.

4 “(3)(a) Subject to paragraph (b) of this subsection, in a voluntary conveyance of a unit, the
5 grantee shall be jointly and severally liable with the grantor for all unpaid assessments against the
6 grantor of the unit to the time of the grant or conveyance, without prejudice to the grantee’s right
7 to recover from the grantor the amounts paid by the grantee therefor.

8 “(b) Upon request of an owner or owner’s agent, for the benefit of a prospective purchaser, the
9 board of directors shall make and deliver a written statement of the unpaid assessments against the
10 prospective grantor or the unit effective through a date specified in the statement, and the grantee
11 in that case shall not be liable for any unpaid assessments against the grantor not included in the
12 written statement.

13 “(4) An escrow agent or a title insurance company providing escrow services or issuing title
14 insurance in conjunction with the conveyance:

15 “(a) May rely upon a written statement of unpaid assessments delivered pursuant to this section;
16 and

17 “(b) Is not liable for a failure to pay to the association at closing any amount in excess of the
18 amount set forth in the written statement.

19 “(5) **During the redemption period that follows an execution sale conducted under ORS**
20 **18.860 to 18.993, a certificate holder, as defined in ORS 18.960, is solely liable for all assess-**
21 **ments that come due during the redemption period.**

22 “(6) **For purposes of ORS chapter 100, when the redemption period described in ORS**
23 **18.964 ends and the claimant has not redeemed the unit, the certificate holder is deemed the**
24 **unit owner of the unit sold by execution sale, without regard to whether the certificate**
25 **holder has caused the sheriff to execute and deliver a deed under ORS 18.985.”.**

26 On page 5, delete lines 1 through 4.
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