

**PROPOSED AMENDMENTS TO  
SENATE BILL 367**

1 On page 3 of the printed bill, delete lines 16 through 45 and delete page  
2 4 and insert:

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

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

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

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

18 “(3) An escrow agent or a title insurance company providing escrow ser-  
19 vices or issuing title insurance in conjunction with the conveyance:

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

22 “(b) Is not liable for a failure to pay the association at closing any

1 amount in excess of the amount set forth in the written statement.

2 “(4) During the redemption period that follows an execution sale  
3 conducted under ORS 18.860 to 18.993, a certificate holder, as defined  
4 in ORS 18.960, is solely liable for all assessments that come due during  
5 the redemption period.

6 “(5) For purposes of ORS 94.550 to 94.783, when the redemption pe-  
7 riod described in ORS 18.964 ends and the claimant has not redeemed  
8 the lot, the certificate holder is deemed the owner of a lot sold by ex-  
9 ecution sale, without regard to whether the certificate holder has  
10 caused the sheriff to execute and deliver a deed under ORS 18.985.

11 “SECTION 6. ORS 100.475 is amended to read:

12 “100.475. (1) Except as provided in subsection (5) of this section, a  
13 unit owner [*shall be*] is personally liable for all assessments imposed on the  
14 unit owner or assessed against the unit by the association of unit owners.

15 “(2) [*Where*] If the purchaser of a unit obtains title to the unit as a result  
16 of foreclosure of the first mortgage or trust deed, [*such*] the purchaser, and  
17 the successors and assigns of the purchaser, [*shall not be*] are not liable for  
18 any of the assessments against [*such*] the unit or its owner [*which*] that  
19 became due prior to the acquisition of title to [*such*] the unit by [*such*] the  
20 purchaser except as specifically provided otherwise in ORS 100.450. [*Such*]  
21 The unpaid assessments [*shall be*] are a common expense of all the unit  
22 owners, including [*such*] the purchaser[,] and the successors and assigns of  
23 the purchaser.

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

29 “(b) Upon request of an owner or owner’s agent, for the benefit of a pro-  
30 spective purchaser, the board of directors shall make and deliver a written

1 statement of the unpaid assessments against the prospective grantor or the  
2 unit effective through a date specified in the statement, and the grantee in  
3 that case shall not be liable for any unpaid assessments against the grantor  
4 not included in the written statement.

5 “(4) An escrow agent or a title insurance company providing escrow ser-  
6 vices or issuing title insurance in conjunction with the conveyance:

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

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

11 **“(5) During the redemption period that follows an execution sale**  
12 **conducted under ORS 18.860 to 18.993, a certificate holder, as defined**  
13 **in ORS 18.960, is solely liable for all assessments that come due during**  
14 **the redemption period.**

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

20 “On page 5, delete lines 1 through 4.”

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