

D R A F T

SUMMARY

Prohibits county from bringing claim or action against person if claim or action is based on statement in trust deed that nominee or agent of lender is grantee or beneficiary, based on county's recording or indexing instrument that states that nominee or agent of lender is grantee or beneficiary or based on person's having obtained or transferred interest in trust deed by means of instrument that was executed or delivered to person but was not recorded in county's deeds and mortgages records or in county's County Clerk Lien Record.

Prohibits county clerk from charging or collecting fee for instrument that transfers interest in trust deed and that was executed and delivered to person but was not presented for recording.

Applies to claims that arise before, on or after January 1, 2018, but does not apply to actions that commenced before January 1, 2018.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to trust deeds; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 205.

SECTION 2. (1) As used in this section:

(a) "Lender" means a payee on a promissory note or obligation that a trust deed secures and the payee's successors and assigns, including a person to which an instrument is transferred as provided in ORS 73.0203.

(b) "Trust deed" has the meaning given that term in ORS 86.705.

(2) A county may not bring an action or claim against a person that is based on:

1 (a) A statement in a trust deed that a nominee or agent of the
2 lender is the grantee or beneficiary;

3 (b) The county's recording or indexing an instrument that states
4 that a nominee or agent of the lender is the grantee or beneficiary;
5 or

6 (c) The person's having obtained or transferred an interest in a
7 trust deed by means of an instrument that was executed and delivered
8 to a person but that is not recorded in a county's deed and mortgage
9 records or the county's County Clerk Lien Record.

10 (3) Notwithstanding ORS 205.320 (1)(a), a county clerk may not
11 charge or collect a fee for an instrument that transfers an interest in
12 a trust deed and that was executed and delivered to a person but was
13 not presented for recording.

14 (4) This section does not affect the rights of a borrower under ORS
15 86.705 to 86.815.

16 SECTION 3. Section 2 of this 2019 Act applies to claims that arise
17 before, on or after January 1, 2018, but does not apply to any action
18 that commenced before January 1, 2018.

19 SECTION 4. This 2019 Act being necessary for the immediate pres-
20 ervation of the public peace, health and safety, an emergency is de-
21 clared to exist, and this 2019 Act takes effect on its passage.

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