

Support of House Bill 2189

Statute of Limitations on Claims Against Real Estate Appraisers

February 27, 2017

House Business & Labor Committee

Chairman Holvey and Members of the Business & Labor Committee:

My name is Marlo Dill and I am District VII VP of The American Society of Farm Managers and Rural Appraisers (ASFMRA). ASFMRA members are recognized as 'The Most Trusted Rural Property Professionals', specializing in the appraisal and management of rural real estate.

ASFMRA strongly supports Oregon House Bill 2189. House Bill 2189 is in line with the record keeping rule set forth by Uniform Standards of Professional Appraisal Practice (USPAP). An appraiser must retain the work file for a period of at least five years after preparation or at least two years after final disposition of any judicial proceeding in which the appraiser provided testimony related to the assignment, whichever period expires last.

A statutory limitation on the time in which a civil action against a real estate appraiser can be filed following the date the appraisal was performed is necessary. The record keeping rule set forth in USPAP defines a realistic time frame for work file retention. Frivolous lawsuits that are allowed to occur past this time frame due to changes in the market beyond the appraiser's control are not warranted and should not be allowed to persist.

Appraisals are typically reviewed and either accepted as is or modified within a short duration of the original production; if a material defect is found it is dealt with at that point in time. It is unreasonable to believe that a material defect in an appraisal can warrant productive discussion beyond this five-year time frame.

Please vote yes on HB 2189. Thank you for your consideration. Please don't hesitate to reach out to me if I can be of assistance.

Best Regards,

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