

**HB 2920 B STAFF MEASURE SUMMARY**

**Carrier:** Sen. Linthicum

**Senate Committee On Judiciary**

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**Action Date:** 05/16/17

**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

**Vote:** 5-0-0-0

**Yeas:** 5 - Dembrow, Linthicum, Manning Jr, Prozanski, Thatcher

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Whitney Perez, Counsel

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**WHAT THE MEASURE DOES:**

Requires judgment creditor to file satisfaction document upon receipt of proceeds from execution sale of real property. Allows judgment debtor, or other person with interest in the real property, to make written request for satisfaction document. Permits person to motion the court if judgment creditor does not file satisfaction document within 10 days of receiving request. Allows court to award attorney's fees to person if judgment creditor failed to file satisfaction document within 10 days, unless failure was not judgment creditor's fault.

**ISSUES DISCUSSED:**

- Reason for the -A2 amendment
- Failure to provide satisfaction document has a negative impact on judgment debtor's credit
- Measure provides impetus for judgment creditor to timely provide satisfaction document

**EFFECT OF AMENDMENT:**

Replaces measure.

**BACKGROUND:**

Oregon law sets forth procedures for a judgment debtor to obtain a satisfaction document for full or partial satisfaction of a money award from a judgment creditor. Currently, a judgment debtor, or other person with an interest in real property that is subject to a judgment lien, may move the court for an order declaring satisfaction of a money award or for a determination of the amount needed to satisfy a money award, when the judgment debtor cannot otherwise obtain a satisfaction document from the judgment creditor. There are also procedures governing distribution of proceeds following an execution sale.

House Bill 2920-B requires a judgment creditor to file a satisfaction document upon receipt of proceeds from the execution sale of real property. It allows a judgment debtor, or other person with interest in the real property, to make a written request for the satisfaction document. HB 2920-B permits a person to motion the court if the judgment creditor does not file the satisfaction document within 10 days of receiving the written request. Finally, a court may award attorney's fees to the person making the motion if the judgment creditor failed to file the satisfaction document within 10 days, unless the failure was not the fault of the judgment creditor. This measure applies to satisfaction documents requested or filed on or after the effective date.