

B-Engrossed House Bill 2920

Ordered by the Senate May 19
Including House Amendments dated April 7 and Senate Amendments
dated May 19

Sponsored by Representative ESQUIVEL; Representatives BARRETO, HEARD, NEARMAN, SMITH G

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires judgment creditor to file satisfaction document upon receipt of proceeds of execution sale of real property.

Provides that, **after execution sale of real property**, judgment debtor or other person may move court for order declaring that money award has been satisfied or for determination of amount necessary to satisfy money award 10 days after requesting that judgment creditor file satisfaction document.

[Modifies provision allowing award of] **Allows court to award attorney fees to person making motion** for failure to provide satisfaction document.

A BILL FOR AN ACT

1
2 Relating to satisfactions of money awards; creating new provisions; and amending ORS 18.950.

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

4 **SECTION 1.** ORS 18.950 is amended to read:

5 18.950. (1) After the deduction of all sheriff's fees and costs allowed by law that have not been
6 paid by the judgment creditor, and deduction of all other amounts required by law, the sheriff shall
7 deliver all net proceeds from an execution sale to the court administrator with the sheriff's return
8 on the writ. The court shall enter an order of distribution for the proceeds. An order directing dis-
9 tribution to the judgment creditor may be entered ex parte.

10 (2) A judgment creditor is entitled to recover from the proceeds of the sale all of the following
11 costs of sale paid by the judgment creditor:

12 (a) Sheriff's fees;

13 (b) The cost of any title report required to determine persons entitled to notice under ORS
14 18.918 (2);

15 (c) The cost of any indemnity bond or letter of credit required by ORS 18.886;

16 (d) Amounts that may be recovered by the judgment creditor under ORS 18.999;

17 (e) Services fees that may be recovered as costs under ORS 18.912; and

18 (f) Recording fees incurred pursuant to ORS 18.870.

19 (3) The court shall order that the costs specified in subsection (2) of this section be paid before
20 application of the remaining proceeds to satisfaction of the judgment.

21 (4) If any proceeds from an execution sale remain after the payment of costs under subsection
22 (3) of this section and satisfaction of the judgment, the court administrator shall pay the remaining
23 proceeds as directed by the court in the order of distribution.

24 **(5)(a) Upon receipt of the proceeds of the execution sale of real property, the judgment**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 creditor shall file a satisfaction document as provided in ORS 18.225 for the amount credited
2 against any money award portion of a judgment.

3 (b) The judgment debtor or other person with an interest in the real property may re-
4 quest in writing to the judgment creditor that the judgment creditor file a satisfaction doc-
5 ument. If the judgment creditor does not file a satisfaction document within 10 days after
6 receiving the request, the person making the request may file a motion under ORS 18.235.

7 (c) If the court finds that the judgment creditor failed to file a satisfaction document
8 under ORS 18.225 within 10 days after receiving a written request under paragraph (b) of this
9 subsection, the court may render a supplemental judgment awarding reasonable attorney
10 fees to the person making the motion, unless the judgment creditor establishes that the
11 failure to file the satisfaction document was not the fault of the judgment creditor.

12 SECTION 2. The amendments to ORS 18.950 by section 1 of this 2017 Act apply only to
13 satisfaction documents requested or filed on or after the effective date of this 2017 Act.
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