

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2920

By COMMITTEE ON JUDICIARY

May 19

1 On page 1 of the printed A-engrossed bill, line 2, delete “18.235” and insert “18.950”.

2 Delete lines 4 through 26 and delete page 2 and insert:

3 “**SECTION 1.** ORS 18.950 is amended to read:

4 “18.950. (1) After the deduction of all sheriff’s fees and costs allowed by law that have not been
5 paid by the judgment creditor, and deduction of all other amounts required by law, the sheriff shall
6 deliver all net proceeds from an execution sale to the court administrator with the sheriff’s return
7 on the writ. The court shall enter an order of distribution for the proceeds. An order directing dis-
8 tribution to the judgment creditor may be entered ex parte.

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

11 “(a) Sheriff’s fees;

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

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

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

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

17 “(f) Recording fees incurred pursuant to ORS 18.870.

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

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

23 “(5)(a) **Upon receipt of the proceeds of the execution sale of real property, the judgment**
24 **creditor shall file a satisfaction document as provided in ORS 18.225 for the amount credited**
25 **against any money award portion of a judgment.**

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

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

35 On page 3, line 1, delete “18.235” and insert “18.950”.

