

**Testimony before the
Senate Committee on Judiciary and Ballot Measure 110 Implementation
In support of SB 829
On behalf of the
Oregon State Bar Debtor-Creditor Section**

March 8, 2021

Chair Prozanski and Members of the Committee:

My name is Gary Blacklidge. I am here as a representative of the Oregon State Bar's Debtor-Creditor section in support of SB 829. The Debtor-Creditor section of the Oregon State Bar was originally formed in 1978, and today is made of up of over 500 attorneys who practice throughout Oregon. Member of the section represent both debtors and creditors. Our members represent clients from eastern Oregon to Hood River, to the Portland metro area and out to the coast. The Debtor-Creditor section's executive committee has 15 members with a wealth of experience throughout the state.

The Oregon State Bar (OSB) is a public corporation and an instrumentality of the court with over 15,000 active members. The Oregon State Bar serves the public interest by: regulating the legal profession and improving the quality of legal services; supporting the judiciary and improving the administration of justice; and advancing a fair, inclusive and accessible justice system.

Senate Bill 829 adds clarifying language to changes to legislation passed in 2009 (SB 241). Senate Bill 241 amended ORS 105.115 and ORS 105.130 to clarify that an eviction action could be used to remove a person remaining in possession of real property following a foreclosure sale.

On January 2, 2020, the Oregon Court of Appeals issued an opinion that inadvertently overlooked the provisions of ORS Chapter 105 and held that eviction actions after a foreclosure could only be maintained in non-judicial foreclosures. (*Bank of New York Mellon v. Lash*, 301 Or App 658, 457 P3d 345 (2020)). The opinion was subsequently reviewed under a Motion for Reconsideration, withdrawn, and the court subsequently held that eviction actions could be maintained following judicial as well as non-judicial foreclosures.

In an effort to avoid similar confusion in the future, SB 829 simply adds a cross reference in ORS 18.946 to ORS 105.105 to 105.168. The proposal does not change current law regarding when a person may be evicted from property.

On behalf of the Oregon State Bar's Debtor-Creditor Section, I thank the committee for its consideration and urge the passage of SB 829. I am happy to answer any questions.