

HB 2638 -1 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 2/11, 2/18, 3/18

WHAT THE MEASURE DOES:

This measure adds the word “exclusive” to ORS 107.095(1)(f) to clarify that during a lawsuit for marital annulment, dissolution, or separation, a court may award a party the exclusive temporary use, possession and control of real or personal property.

Has minimal fiscal impact.

Has minimal revenue impact.

ISSUES DISCUSSED:

Provisions of the measure.

EFFECT OF AMENDMENT:

-1 The amendment adds the words “or nonexclusive” to ORS 107.095(1)(f) to clarify that the court has discretion whether to award *exclusive or nonexclusive* use, possession and control of property.

BACKGROUND:

ORS 107.095(1)(f) does not explicitly address the scope of a court’s award of the use, possession, or control of real or personal property during the pendency of a lawsuit for marital annulment, dissolution, or separation. House Bill 2638 adds the word “exclusive” to clarify that a party/spouse receiving such an award has the exclusive possession or control of the property without interference from the opposing party/spouse while the case is ongoing.