

**A-Engrossed**  
**House Bill 2089**

Ordered by the House June 6  
Including House Amendments dated June 6

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Revenue for Representative Nancy Nathanson)

**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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act would set up a means for the former owners of foreclosed real property to get the surplus after the property is sold by the county. (Flesch Readability Score: 60.3).

Provides for a process by which former owners of real property delinquent property taxes may claim the surplus value after the property has been disposed of by the county.

Takes effect on the 91st day following adjournment sine die.

**A BILL FOR AN ACT**

1  
2 Relating to surpluses from the disposition of foreclosed property; creating new provisions; amending  
3 ORS 98.352, 279A.025, 312.040 and 312.125; and prescribing an effective date.

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

5  
6 **FORECLOSURE NOTICES**

7  
8 **SECTION 1.** ORS 312.040 is amended to read:

9 312.040. (1)(a) Notice of *[each]* **the** foreclosure proceeding shall be given by *[publication and by*  
10 *both certified and regular first class mail as provided in this section]* **both of the following means:**

11 *[(a)]* **(A)** *[Notice shall be given by]* One publication of the foreclosure list in a newspaper of  
12 general circulation in the county, to be designated by the **governing body of the county** *[court or*  
13 *board of county commissioners]*. The price charged by the newspaper shall be at the legal rate as  
14 provided by law. A copy of the newspaper notice shall be mailed by the county to each incorporated  
15 city in the county.

16 *[(b)]* **(B)** *[In addition, notice of the foreclosure proceeding shall be sent by certified and regular*  
17 *first class mail to the owner or owners]* **Delivery of notice to any owners**, as shown in the county  
18 deed records, of each property included on the foreclosure list at the address or addresses as re-  
19 flected in the county records under ORS 93.260, 311.555 or 311.560.

20 **(b)(A) Notwithstanding paragraph (a) of this subsection, if it is deemed expedient, notice**  
21 **of the institution of a foreclosure proceeding may instead be given by personal service, de-**  
22 **livered either orally or in writing, and confirmed by an affidavit.**

23 **(B) The names of the owners that receive notification pursuant to this paragraph, and**  
24 **the descriptions and other matters relating to their respective properties, may be excluded**  
25 **from the foreclosure list.**

**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           (2) For all notices of foreclosure proceedings, counties shall conduct due diligence to lo-  
2 cate property owners by means including, but not limited to, searches of land, court and  
3 other records, online databases and other resources.

4           (3) Each notice of a foreclosure proceeding shall include:

5           (a) The exact amount of unpaid taxes owed, including interest and fees.

6           (b) The following language, in capital letters, in at least 14-point type:

7 \_\_\_\_\_  
8  
9           **WARNING: THERE ARE UNPAID TAXES AND FEES IN THE AMOUNT OF \$\_\_\_\_\_**  
10 **ON PROPERTY AT (ADDRESS) WHICH YOU MAY OWN OR HAVE A LEGAL INTEREST**  
11 **IN. THE PROPERTY WILL BE DEEDED TO THE COUNTY AND YOUR INTEREST WILL**  
12 **BE TERMINATED UNLESS THE BACK TAXES AND FEES ARE PAID. TO MAKE PAY-**  
13 **MENT, OR TO RECEIVE FURTHER INFORMATION ABOUT PAYMENT, CONTACT (TAX**  
14 **COLLECTOR) IMMEDIATELY AT (ADDRESS), (TELEPHONE NUMBER).**

15           **IF THE PROPERTY IS DEEDED TO THE COUNTY AS A WAY OF COLLECTING THE**  
16 **BACK TAXES AND FEES OWED, AND THE PROPERTY IS WORTH MORE THAN YOU**  
17 **OWE, YOU ARE ENTITLED TO A RETURN OF MONEY FROM THE COUNTY. IN ORDER**  
18 **TO RECEIVE A NOTICE OF A POTENTIAL SURPLUS FROM THE COUNTY, PLEASE**  
19 **PROVIDE THE COUNTY WITH NOTICE OF A CURRENT ADDRESS, AND UPDATE THAT**  
20 **ADDRESS IF YOU MOVE.**

21           **THERE ARE GOVERNMENT AGENCIES AND NONPROFIT ORGANIZATIONS THAT**  
22 **CAN GIVE YOU INFORMATION ABOUT FORECLOSURE AND HELP YOU DECIDE WHAT**  
23 **TO DO. FOR GENERAL INFORMATION AT NO COST TO YOU, CONTACT A CERTIFIED**  
24 **HOUSING COUNSELOR. YOU CAN FIND A HOUSING COUNSELOR NEAR YOU AT**  
25 **HTTPS://WWW.HUD.GOV/STATES/OREGON#HOMEOWNERSHIP. YOU MAY ALSO WANT**  
26 **TO TALK TO A LAWYER. YOU CAN REACH THE OREGON STATE BAR'S LAWYER RE-**  
27 **FERRAL SERVICE AT 800-452-7636 (TOLL-FREE IN OREGON) OR VISIT THE WEBSITE**  
28 **AT WWW.OSBAR.ORG. FREE LEGAL ASSISTANCE MAY ALSO BE AVAILABLE TO IN-**  
29 **DIVIDUALS WITH LOW INCOMES. FOR MORE INFORMATION AND A DIRECTORY OF**  
30 **LEGAL AID PROGRAMS, GO TO WWW.OREGONLAWHELP.ORG.**

31 \_\_\_\_\_  
32  
33           (c) At a minimum, the name, requirements and application process of any existing prop-  
34 erty tax deferral program operated by this state or by any county or municipal government  
35 within this state.

36           (d) Information regarding local lawyer referral services, legal aid programs or foreclosure  
37 avoidance programs known by the county and operated by local state agencies, the Oregon  
38 State Bar or charitable nonprofit organizations that may be able to provide the owner with  
39 assistance in the foreclosure process.

40           (e) A referral, in the five most commonly spoken languages in this state other than  
41 English listed by the Secretary of State pursuant to ORS 251.167, to the website of the Un-  
42 claimed Property program of the State Treasury at <https://unclaimed.oregon.gov> for a  
43 translation of the notice into those languages. The translated referral shall include the  
44 statement, "This is a notice about important rights related to your property."

45           [(2)] (4) Each notice given under [subsection (1) or (4) of] this section shall identify the particular

1 property or properties that [is] **are** the subject of the notice.

2 [(3)] (5) All persons owning or claiming to own, or having or claiming to have, any interest in  
3 [any] property included in the foreclosure list are required to take notice of [such] **the foreclosure**  
4 proceeding and of all steps [thereunder] **under the proceeding.**

5 [(4) If it is deemed expedient to do so, notice of the institution of the foreclosure proceeding may  
6 be given by personal service. Notice by personal service shall be in lieu of service by publication and  
7 certified and regular first class mail required by subsection (1) of this section as to the defendant or  
8 defendants so served, and it shall not be necessary to include in the publication of the foreclosure list  
9 the names of such defendants or the descriptions or other matters relating to their respective  
10 properties.]

11 **SECTION 2.** ORS 312.125 is amended to read:

12 312.125. (1)(a) Not less than one year prior to the expiration of the period of redemption of any  
13 real property ordered sold to the county under a judgment under ORS 312.100, the tax collector shall  
14 provide notice of the expiration of the period of redemption to any person or entity entitled to re-  
15 deem the property under ORS 312.120 (2) whose interest appears in the records of the county as of  
16 the date foreclosure proceedings were instituted.

17 (b) Any person or entity whose interest has terminated by any means other than a judgment  
18 of foreclosure under ORS 312.120 shall not be entitled to such notice.

19 (c) **Counties shall conduct due diligence to locate interested property owners by means**  
20 **including, but not limited to, searches of land, court and other records, online databases and**  
21 **other resources.**

22 [(2) The notice shall contain:]

23 (2) **Each notice of the expiration of the period of redemption shall include:**

24 (a) **The exact amount of unpaid taxes owed, including interest and fees;**

25 (b) **The following language, in capital letters, in at least 14-point type:**

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27  
28 **WARNING: THERE ARE UNPAID TAXES AND FEES IN THE AMOUNT OF \$\_\_\_\_\_**  
29 **ON PROPERTY AT (ADDRESS) WHICH YOU MAY OWN OR HAVE A LEGAL INTEREST**  
30 **IN. THE PROPERTY WILL BE DEEDED TO THE COUNTY AND YOUR INTEREST WILL**  
31 **BE TERMINATED UNLESS THE BACK TAXES AND FEES ARE PAID. THE REDEMPTION**  
32 **PERIOD TO PAY THE BACK TAXES AND FEES AND RETAIN YOUR PROPERTY ENDS**  
33 **ON (DATE). TO MAKE PAYMENT, OR TO RECEIVE FURTHER INFORMATION ABOUT**  
34 **PAYMENT, CONTACT (TAX COLLECTOR) IMMEDIATELY AT (ADDRESS), (TELEPHONE**  
35 **NUMBER).**

36 **IF THE PROPERTY IS DEEDED TO THE COUNTY AS A WAY OF COLLECTING THE**  
37 **BACK TAXES AND FEES OWED, AND THE PROPERTY IS WORTH MORE THAN YOU**  
38 **OWE, YOU ARE ENTITLED TO A RETURN OF MONEY FROM THE COUNTY. IN ORDER**  
39 **TO RECEIVE A NOTICE OF A POTENTIAL SURPLUS FROM THE COUNTY, PLEASE**  
40 **PROVIDE THE COUNTY WITH NOTICE OF A CURRENT ADDRESS, AND UPDATE THAT**  
41 **ADDRESS IF YOU MOVE.**

42 **THERE ARE GOVERNMENT AGENCIES AND NONPROFIT ORGANIZATIONS THAT**  
43 **CAN GIVE YOU INFORMATION ABOUT FORECLOSURE AND HELP YOU DECIDE WHAT**  
44 **TO DO. FOR GENERAL INFORMATION AT NO COST TO YOU, CONTACT A CERTIFIED**  
45 **HOUSING COUNSELOR. YOU CAN FIND A HOUSING COUNSELOR NEAR YOU AT**

1 **HTTPS://WWW.HUD.GOV/STATES/OREGON#HOMEOWNERSHIP. YOU MAY ALSO WANT**  
2 **TO TALK TO A LAWYER. YOU CAN REACH THE OREGON STATE BAR'S LAWYER RE-**  
3 **FERRAL SERVICE AT 800-452-7636 (TOLL-FREE IN OREGON) OR VISIT THE WEBSITE**  
4 **AT WWW.OSBAR.ORG. FREE LEGAL ASSISTANCE MAY ALSO BE AVAILABLE TO IN-**  
5 **DIVIDUALS WITH LOW INCOMES. FOR MORE INFORMATION AND A DIRECTORY OF**  
6 **LEGAL AID PROGRAMS, GO TO WWW.OREGONLAWHELP.ORG.**

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8  
9 [(a)] (c) The date of the judgment;

10 [(b)] (d) The date of expiration of the period of redemption;

11 [(c)] (e) A warning to the effect that the property ordered sold under the judgment, unless  
12 sooner redeemed, will be deeded to the county immediately on expiration of the period of redemption  
13 [*and that every right or interest of any person in the property will be forfeited forever to the county*];

14 [(d)] (f) A legal description of the property and a tax account number; [*and*]

15 [(e)] (g) The name of the owner as it appears on the latest tax roll[.];

16 **(h) Information regarding an owner's right to claim a surplus, if any, under sections 3**  
17 **to 6 and 8 to 10 of this 2025 Act;**

18 **(i) Information regarding local lawyer referral services, legal aid programs or foreclosure**  
19 **avoidance programs known by the county and operated by local state agencies, the Oregon**  
20 **State Bar or charitable nonprofit organizations that may be able to provide the owner with**  
21 **assistance in the foreclosure process;**

22 **(j) Information regarding any relief programs including but not limited to exemptions,**  
23 **grants or payment plans that are available to the owner; and**

24 **(k) A referral, in the five most commonly spoken languages in this state other than**  
25 **English listed by the Secretary of State pursuant to ORS 251.167, to the website of the Un-**  
26 **claimed Property program of the State Treasury at <https://unclaimed.oregon.gov> for a**  
27 **translation of the notice into those languages. The translated referral shall include the**  
28 **statement, "This is a notice about important rights related to your property."**

29 (3)(a) The notice required [*to be given under subsections (1) and (2) of*] **under** this section shall  
30 be given by both certified mail and by regular first class mail and subsections (4) and (5) of this  
31 section shall apply to both mailings.

32 **(b) A copy of the notice shall be posted to the county's public website.**

33 (4)(a) If the notice required under [*subsections (1) and (2) of*] this section is to be given to an  
34 owner, the notice shall be addressed to the owner or owners, as reflected in the county records of  
35 deeds, at the true and correct address of the owner as appearing on the instrument of conveyance  
36 under ORS 93.260 or as furnished under ORS 311.555 or as otherwise ascertained by the tax collec-  
37 tor pursuant to ORS 311.560.

38 (b) If the person or entity to whom the notice is required under subsection (1) of this section to  
39 be given is a lienholder, or person or entity other than the owner, having or appearing to have a  
40 lien or other interest in the property, the notice shall be addressed to the lienholder, person or en-  
41 tity at the address that the tax collector knows or after reasonable inquiry has reason to believe  
42 to be the address at which the lienholder, person or entity will most likely receive actual notice.  
43 For the convenience of the county, any lien, instrument or other document, memorandum or writing,  
44 filed on or after September 27, 1987, that creates an interest with respect to which notice is required  
45 to be given under this paragraph, shall contain:

1 (A) The address of the person or entity holding lien or other interest created by the instrument  
2 or other document, memorandum or writing; and

3 (B) The tax account number, if any, and if known, of the property subject to the lien or in which  
4 the interest is created.

5 (5) Failure of a lien, instrument or other document, memorandum or other writing to contain the  
6 address and tax account number information required under subsection (4)(b) of this section does  
7 not invalidate the lien, instrument or other document, memorandum or writing, nor shall the failure  
8 of the writing to contain the information relieve the tax collector of the duty to obtain and mail the  
9 notice required under subsection (4)(b) of this section to the address that the tax collector believes  
10 to be the address at which the lienholder, person or entity is most likely to receive actual notice.

11 (6) For purposes of subsection (4)(b) of this section, if the lienholder is a corporation or a limited  
12 partnership, the tax collector shall be considered to have made reasonable inquiry if the notice is  
13 mailed to the registered agent or last registered office of the corporation or limited partnership, if  
14 any, as shown by the records on file in the office of the Corporation Commissioner, or if the cor-  
15 poration or limited partnership is not authorized to transact business in this state, to the principal  
16 office or place of business of the corporation or limited partnership.

17 (7)(a) As used in this section, "records of the county" means the following:

18 (A) The grantor-grantee indexes.

19 (B) Other records of deeds, mortgages, powers of attorney, contracts and other instruments,  
20 documents or memorandum of conveyance or otherwise of real property that are described in ORS  
21 205.130 (1) and (2).

22 (C) The County Clerk Lien Record described in ORS 205.130 (3).

23 (D) Records of federal tax liens and other liens, instruments or other documents or writings  
24 reflecting an interest in real property described in ORS 205.246, if those records are kept separately  
25 from the records described in paragraph (b) of this subsection.

26 (E) Records of statutory liens on real property described in ORS 87.372.

27 (F) Any other records of interests in real property required to be kept by the county clerk, if  
28 the records contain a legal description of the property and an address specifically designated as  
29 indicated on the instrument, document or other memorandum or writing for purposes of mailing the  
30 notice required by this section.

31 (b) For purposes of this section [*only*], "records of the county" includes:

32 (A) The appropriate records of the courts described in ORS 7.010 in the custody of the clerk of  
33 the appropriate court or court administrator under ORS 7.110; and

34 (B) Probate records in the custody of the clerk of the appropriate court or court administrator  
35 under ORS 7.230 and 7.240. Notwithstanding any provision to the contrary in ORS chapter 7 or other  
36 law, the clerk of the appropriate court or the court administrator shall make available to and assist  
37 the tax collector in the examination of the records described in this paragraph for purposes of car-  
38 rying out the obligations of the tax collector under this section without charge.

39 **SECTION 3. Notice of surplus.** (1) **Within 60 days after the date on which a claim for a**  
40 **surplus could arise under section 9 of this 2025 Act, the county shall deliver notice of a**  
41 **surplus to:**

42 (a) **The claimant at the claimant's last known address;**

43 (b) **The Estates Administration Program of the State Treasury;**

44 (c) **The Department of Revenue;**

45 (d) **The Department of Justice; and**

1 (e) The municipality, if any, in which the property to which the surplus relates is located.

2 (2) Each notice shall include:

3 (a) At the top of the notice in capital letters, in at least 14-point type, the following lan-  
4 guage:

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5  
6  
7 **NOTICE: YOU ARE ENTITLED TO A REFUND OF MONEY HELD BY THE COUNTY.**  
8 **TO RECEIVE MORE INFORMATION AND ASSISTANCE, CONTACT THE OREGON STATE**  
9 **TREASURY AT (ADDRESS) (PHONE NUMBER). THERE ARE GOVERNMENT AGENCIES**  
10 **AND NONPROFIT ORGANIZATIONS THAT CAN GIVE YOU INFORMATION ABOUT**  
11 **FORECLOSURE AND HELP YOU DECIDE WHAT TO DO. FOR GENERAL INFORMATION**  
12 **AT NO COST TO YOU, CONTACT A CERTIFIED HOUSING COUNSELOR. YOU CAN FIND**  
13 **A HOUSING COUNSELOR NEAR YOU AT**  
14 **HTTPS://WWW.HUD.GOV/STATES/OREGON#HOMEOWNERSHIP. YOU MAY ALSO WANT**  
15 **TO TALK TO A LAWYER. YOU CAN REACH THE OREGON STATE BAR'S LAWYER RE-**  
16 **FERRAL SERVICE AT 800-452-7636 (TOLL-FREE IN OREGON) OR VISIT THE WEBSITE**  
17 **AT WWW.OSBAR.ORG. FREE LEGAL ASSISTANCE MAY ALSO BE AVAILABLE TO IN-**  
18 **DIVIDUALS WITH LOW INCOMES. FOR MORE INFORMATION AND A DIRECTORY OF**  
19 **LEGAL AID PROGRAMS, GO TO WWW.OREGONLAWHELP.ORG.**

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21 (b) The following information in clear and understandable terms:

22 (A) The amount of the surplus that the county has determined is owed to the claimant;

23 (B) An explanation of who may be a claimant;

24 (C) An explanation of the process by which a claimant may file a claim under section 9  
25 of this 2025 Act;

26 (D) The claimant's right to seek a writ of review of the surplus from the county circuit  
27 court under ORS 34.010 to 34.100 and the deadline for filing for the writ; and

28 (E) A referral, in the five most commonly spoken languages in this state other than  
29 English listed by the Secretary of State pursuant to ORS 251.167, to the website of the Un-  
30 claimed Property program of the State Treasury at <https://unclaimed.oregon.gov> for a  
31 translation of the notice into those languages. The translated referral shall include the  
32 statement, "This is a notice about important rights related to your property."  
33

34 (3) Publication of an available surplus, a description of the property to which the surplus  
35 relates, the names of the claimants and information about the process by which a claimant  
36 may file a claim under section 9 of this 2025 Act shall be made available on the websites of  
37 the state and the county in which the property is located.

38 **SECTION 3a.** The State Treasury shall make the notices required under ORS 312.040 and  
39 312.125 and section 3 of this 2025 Act available to the public on the State Treasury's Internet  
40 website.

41 **SECTION 4. Additional notices.** A county shall provide notice to the Department of Re-  
42 venue, the Department of Justice and the municipality, if any, in which the property is lo-  
43 cated:

44 (1) That proceedings to foreclose liens for delinquent taxes on the property have been  
45 instituted under ORS 312.050, to be provided on the date on which the proceedings are insti-

1 tuted; and

2 (2) That one year remains before the period of redemption for the property expires under  
3 ORS 312.120, to be provided not less than one year prior to the expiration of the period of  
4 redemption.

5  
6 **DEFINITIONS**

7  
8 **SECTION 5. Definitions.** As used in sections 3 to 6 and 8 to 10 of this 2025 Act:

9 (1)(a) "Claimant" means:

10 (A) The owner of real property as of the date on which the property was sold to the  
11 county on foreclosure for delinquent taxes under ORS 312.100; or

12 (B) The former owner's estate, heirs, devisees, power of attorney, trustee, guardian,  
13 custodian or bankruptcy estate or a successor in interest that has acquired substantially all  
14 of the former owner's assets by intestate succession, probate, merger, acquisition, dissol-  
15 ution or takeover.

16 (b) "Claimant" does not include:

17 (A) The creditors or garnishor of a claimant;

18 (B) Other persons holding an interest in the property that was sold to the county; or

19 (C) Voluntary or involuntary assignees of a claimant's interest in a surplus.

20 (2) "Former owner" means an owner described in subsection (1)(a)(A) of this section.

21 (3) "Surplus" has the meaning given that term by section 8 of this 2025 Act.

22  
23 **DISPOSITION OF FORECLOSED PROPERTY**

24  
25 **SECTION 6. Sale, retention or transfer of foreclosed property; deposit of sale proceeds.**

26 (1)(a)(A) After the expiration of the statutory redemption period under ORS 312.120 or  
27 312.122, the county may elect to retain the property for public purposes or transfer title to  
28 the property to a nonprofit organization for purposes of public benefit.

29 (B) The county shall procure an appraisal from a licensed appraiser that is unaffiliated  
30 with the county for property described in this paragraph.

31 (b) Property that the county does not retain or transfer under paragraph (a) of this  
32 subsection shall be sold in accordance with subsections (2) and (3) of this section.

33 (2)(a) This subsection applies to property that is located in a residential zone and that  
34 was the former owner's primary residence as of the date on which the taxes for which the  
35 property was foreclosed were assessed.

36 (b) The county shall list such property for sale with a real estate broker or agent who  
37 does not hold an elected or appointed office and is not employed by any government entity.

38 (c) The county shall procure an appraisal from a licensed appraiser that is unaffiliated  
39 with the county for property described in this subsection if the real market value of the  
40 property as shown on the most recent tax statement exceeds \$250,000.

41 (d) The list price shall be the highest price at which the property is reasonably expected  
42 to sell.

43 (3)(a) The county shall conduct a public, high-bid auction for sale of property if:

44 (A) After three attempts, the county is unable to enter into an agreement with a real  
45 estate broker or agent for the sale of the property in accordance with subsection (2)(b) of

1 **this section;**

2 **(B) The real estate broker or agent described in subsection (2)(b) of this section is unable**  
3 **to sell the property within 12 months after listing the property; or**

4 **(C) The property is not property described in subsection (1)(a)(A) or (2)(a) of this section.**

5 **(b) The property shall be sold to the highest bidder at auction, provided the bid exceeds**  
6 **the outstanding taxes and other allowable costs chargeable against the property as deter-**  
7 **mined under section 8 (4) of this 2025 Act.**

8 **(c) The auction shall include the following:**

9 **(A) Advertisements in a multiple listing service for at least 30 days prior to the date of**  
10 **the auction.**

11 **(B) If a private party is engaged to operate and advertise the auction, a limited fee to the**  
12 **private party in an amount equal to three percent of the surplus related to the property.**

13 **(C) A minimum starting bid of two-thirds of the property's fair market value as deter-**  
14 **mined under paragraph (d) of this subsection.**

15 **(d) For purposes of this section, the fair market value of the property shall be, as of the**  
16 **date on which the property was deeded to the county under ORS 312.200:**

17 **(A) The real market value of the property for ad valorem property tax purposes as shown**  
18 **on the most recent tax statement; or**

19 **(B) For property required to be appraised under subsection (1)(a)(B) or (2)(c) of this**  
20 **section, the appraised value if greater than the real market value.**

21 **(e) The auction may include an online bidding process in which bids are received elec-**  
22 **tronically over the Internet in real time.**

23 **(4) For property that fails to sell at auction under subsection (3) of this section, the**  
24 **county shall conduct a public high-bid auction that meets the requirements of subsection**  
25 **(3)(c) of this section except that the minimum starting bid shall equal the outstanding taxes**  
26 **and other allowable costs chargeable against the property.**

27 **(5) For property that fails to sell at auction under subsection (4) of this section, the**  
28 **county may forgive the amount of outstanding taxes and other allowable costs chargeable**  
29 **to the property and retain the property for public purposes or transfer title to the property**  
30 **to a nonprofit organization for purposes of public benefit.**

31 **(6) An appraisal conducted for purposes of subsection (1)(a)(B) or (2)(c) of this section**  
32 **does not require a redetermination of the real market value, maximum assessed value or**  
33 **assessed value of the property for ad valorem property tax purposes.**

34 **(7) As provided in ORS 279A.025, the Public Contracting Code does not apply to any**  
35 **agreement that a county enters into with a real estate broker or agent, auctioneer, appraiser**  
36 **or any other person for the purpose of disposing of property in accordance with this section.**

37 **(8) Upon sale of real property foreclosed under this chapter, the county treasurer shall**  
38 **deposit the gross amount of the sales proceeds in a separate, interest-bearing account until**  
39 **the amount of the surplus has been determined. Interest earned on the proceeds in the ac-**  
40 **count shall be included in the amount to be distributed.**

41 **SECTION 7.** ORS 279A.025 is amended to read:

42 279A.025. (1) Except as provided in subsections (2) to (4) of this section, the Public Contracting  
43 Code applies to all public contracting.

44 (2) The Public Contracting Code does not apply to:

45 (a) Contracts between a contracting agency and:



- 1 (A) Another contracting agency;
- 2 (B) The Oregon Health and Science University;
- 3 (C) A public university listed in ORS 352.002;
- 4 (D) The Oregon State Bar;
- 5 (E) A governmental body of another state;
- 6 (F) The federal government;
- 7 (G) An American Indian tribe or an agency of an American Indian tribe;
- 8 (H) A nation, or a governmental body in a nation, other than the United States; or
- 9 (I) An intergovernmental entity formed between or among:
  - 10 (i) Governmental bodies of this or another state;
  - 11 (ii) The federal government;
  - 12 (iii) An American Indian tribe or an agency of an American Indian tribe;
  - 13 (iv) A nation other than the United States; or
  - 14 (v) A governmental body in a nation other than the United States;
- 15 (b) Agreements authorized by ORS chapter 190 or by a statute, charter provision, ordinance or
- 16 other authority for establishing agreements between or among governmental bodies or agencies or
- 17 tribal governing bodies or agencies;
- 18 (c) Insurance and service contracts as provided for under ORS 414.115, 414.125, 414.135 and
- 19 414.145 for purposes of source selection;
- 20 (d) Grants;
- 21 (e) Contracts for professional or expert witnesses or consultants to provide services or testimony
- 22 relating to existing or potential litigation or legal matters in which a public body is or may become
- 23 interested;
- 24 (f) Acquisitions or disposals of real property or interest in real property;
- 25 (g) Sole-source expenditures when rates are set by law or ordinance for purposes of source se-
- 26 lection;
- 27 (h) Contracts for the procurement or distribution of textbooks;
- 28 (i) Procurements by a contracting agency from an Oregon Corrections Enterprises program;
- 29 (j) The procurement, transportation, sale or distribution of distilled liquor, as defined in ORS
- 30 471.001, or the appointment of agents under ORS 471.230 or 471.750 by the Oregon Liquor and
- 31 Cannabis Commission;
- 32 (k) Contracts entered into under ORS chapter 180 between the Attorney General and private
- 33 counsel or special legal assistants;
- 34 (L) Contracts for the sale of timber from lands that the State Board of Forestry, the State
- 35 Forestry Department, the State Parks and Recreation Commission or the State Parks and Recreation
- 36 Department owns or manages;
- 37 (m) Contracts for activities necessary or convenient for the sale of timber under paragraph (L)
- 38 of this subsection, either separately from or in conjunction with contracts for the sale of timber,
- 39 including but not limited to activities such as timber harvesting and sorting, transporting, gravel
- 40 pit development or operation, and road construction, maintenance or improvement;
- 41 (n) Contracts for forest protection or forest related activities, as described in ORS 477.406, by
- 42 the State Forester or the State Board of Forestry;
- 43 (o) Contracts that the Housing and Community Services Department enters into in exercising
- 44 the department's duties prescribed in ORS chapters 456 and 458, or procurements described in ORS
- 45 456.625 (19);

1 (p) Contracts that the State Treasurer enters into in exercising the powers of that office pre-  
2 scribed in ORS 178.010 to 178.090 and 276A.242 and ORS chapters 286A, 287A, 289, 293, 294 and 295,  
3 including but not limited to investment contracts and agreements, banking services, clearing house  
4 services and collateralization agreements, bond documents, certificates of participation and other  
5 debt repayment agreements, and any associated contracts, agreements and documents, regardless of  
6 whether the obligations that the contracts, agreements or documents establish are general, special  
7 or limited, except that the State Treasurer's public contracting for goods and services is subject to  
8 ORS chapter 279B;

9 (q) Contracts, agreements or other documents entered into, issued or established in connection  
10 with:

11 (A) The issuance of obligations, as defined in ORS 286A.100 and 287A.310, of a public body;

12 (B) Program loans and similar extensions or advances of funds, aid or assistance that a public  
13 body makes to a public or private body for the purpose of carrying out, promoting or sustaining  
14 activities or programs authorized by law; or

15 (C) The investment of funds by a public body as authorized by law, and other financial trans-  
16 actions of a public body that by their character cannot practically be established under the com-  
17 petitive contractor selection procedures of ORS 279B.050 to 279B.085;

18 (r) Contracts for employee benefit plans as provided in ORS 243.105 (1), 243.125 (4), 243.221,  
19 243.275, 243.291, 243.303 and 243.565;

20 (s) Contracts for employee benefit plans as provided in ORS 243.860 to 243.886; *[or]*

21 **(t) Any agreement that a county enters into with a real estate broker or agent,**  
22 **auctioneer, appraiser or any other person for the purpose of disposing of property in ac-**  
23 **cordance with section 6 of this 2025 Act; or**

24 *[(t)]* (u) Any other public contracting of a public body specifically exempted from the code by  
25 another provision of law.

26 (3) The Public Contracting Code does not apply to the contracting activities of:

27 (a) The Oregon State Lottery Commission;

28 (b) The legislative department;

29 (c) The judicial department;

30 (d) Semi-independent state agencies listed in ORS 182.454, except as provided in ORS 279.835 to  
31 279.855 and 279A.250 to 279A.290;

32 (e) Oregon Corrections Enterprises;

33 (f) The Oregon Film and Video Office, except as provided in ORS 279A.100 and 279A.250 to  
34 279A.290;

35 (g) The Travel Information Council, except as provided in ORS 279A.250 to 279A.290;

36 (h) The Oregon 529 Savings Network and the Oregon 529 Savings Board;

37 (i) The Oregon Innovation Council;

38 (j) The Oregon Utility Notification Center; or

39 (k) Any other public body specifically exempted from the code by another provision of law.

40 (4) ORS 279A.200 to 279A.225 and 279B.050 to 279B.085 do not apply to contracts made with  
41 qualified nonprofit agencies providing employment opportunities for individuals with disabilities un-  
42 der ORS 279.835 to 279.855.

43  
44 **SURPLUSES**  
45

1       **SECTION 8. Determination of surplus.** (1) As used in this section, “surplus” means an  
2 amount equal to the value of real property sold to a county on foreclosure under this chap-  
3 ter, and disposed of by the county in accordance with section 6 of this 2025 Act, less the al-  
4 lowable costs the county may charge against the property under subsection (4) of this  
5 section.

6       (2) The amount of a surplus shall be determined within 60 days after the date on which  
7 the gross sales proceeds from the sale of the property are deposited in a separate, interest-  
8 bearing account under section 6 (8) of this 2025 Act or the value of the property has other-  
9 wise been determined under subsection (3) of this section.

10       (3) For purposes of determining a surplus, the value of the property shall be:

11       (a) For property retained by the county or transferred to a nonprofit organization under  
12 section 6 (1)(a) of this 2025 Act, the fair market value of the property as determined under  
13 section 6 (3)(d) of this 2025 Act.

14       (b) The stated consideration on a deed from the county to a bona fide purchaser, as de-  
15 fined in ORS 275.088:

16       (A) For property sold by listing with a real estate broker or agent under section 6 (2)(b)  
17 of this 2025 Act; or

18       (B) For property sold at auction under section 6 (3) or (4) of this 2025 Act.

19       (c) For property that fails to sell at auction under section 6 (3) or (4) of this 2025 Act,  
20 the amount forgiven under section 6 (5) of this 2025 Act.

21       (4) In determining a surplus, the allowable costs that the county may charge against the  
22 property include:

23       (a) The amount of the judgment under ORS 312.090 and accruing post-judgment interest;

24       (b) The amount of taxes and interest on the taxes that would have been due following the  
25 judgment during the redemption period and through the earlier of:

26       (A) The date on which the county sold or conveyed the property to a third party; or

27       (B) The date on which the claim is made;

28       (c) Additional costs that the county may claim under ORS 275.275 (1)(a) to (c);

29       (d) Costs to reimburse the claim of a municipal corporation that has filed a claim notice  
30 under ORS 275.130;

31       (e) Penalties allowed under ORS 312.990, or the actual costs paid by the county to miti-  
32 gate or abate a nuisance, including as described in ORS 105.555, that was caused or permitted  
33 by the negligence or neglect of the former owner; and

34       (f) In lieu of the penalty and fee under ORS 312.120, the reasonable fees related to the  
35 foreclosure and the efforts to dispose of the property, including the costs of legal fees, de-  
36 livering notices, county staff time, court filing fees, appraisals, professional real estate  
37 commission and auction fees.

38       (5) The county shall provide a claimant with an itemized accounting of all allowable costs  
39 deducted when determining the surplus.

40       **SECTION 9. Claim of surplus.** (1) A claimant is entitled to a return of a surplus, if any,  
41 in the amount determined under section 8 of this 2025 Act, as of the date on which the  
42 county disposes of the claimant’s property as described in section 8 (3) of this 2025 Act.

43       (2) A claim for a surplus must be made with the State Treasurer in the manner provided  
44 by ORS 98.392 and 98.396.

45       (3)(a) If the estate of a deceased former owner will not be probated, the State Treasurer

1 shall allow a claim to be made by the heirs, devisees or a person named as a personal rep-  
2 resentative in the deceased former owner's will or an estate administrator appointed by the  
3 State Treasurer.

4 (b) A claim made under this subsection must include:

5 (A) A copy of the former owner's death certificate;

6 (B) A copy of the former owner's will, if any;

7 (C) A statement that the estate is not being probated and that a small estate affidavit  
8 is not being filed for the estate;

9 (D) The identity of each beneficiary of the claim;

10 (E) The proportion of the surplus distributable to each beneficiary; and

11 (F) Signatures of all beneficiaries of the claim acknowledging their participation in the  
12 claim.

13 (c) If there are multiple heirs, an heir who has occupied the property as a primary resi-  
14 dence for more than one year is presumed to have authority to receive the surplus on behalf  
15 of all heirs, in the absence of a written agreement among heirs or objection by a nonresident  
16 heir.

17 (4) A claimant does not have any interest in a surplus during the period of redemption  
18 or any other time prior to the date on which the claim arises under subsection (1) of this  
19 section.

20 (5)(a) A person other than a claimant may claim the surplus based upon a valid lien  
21 against the property or a debt of the claimant.

22 (b) Any purported assignment of a claim to the surplus is void except for an assignment  
23 made for the protection of the interests of the claimant, including an assignment in a  
24 bankruptcy proceeding, power of attorney or custodianship or guardianship proceedings.

25 (6) Nothing in sections 3 to 6 and 8 to 10 of this 2025 Act extinguishes any debt obligation  
26 of a former owner that is outstanding as of the date on which title to the property is con-  
27 veyed to the county under ORS 312.270, other than the property tax amounts that were ex-  
28 tinguished by the conveyance to the county.

29 **SECTION 10. Surplus as unclaimed property.** (1) A surplus is unclaimed property under  
30 ORS 98.302 to 98.436.

31 (2)(a) Except as provided in paragraph (b) of this subsection, the governing body of the  
32 county shall file the report, and deliver the surplus, in the amount determined under section  
33 8 of this 2025 Act, to the State Treasurer for deposit, as provided in ORS 98.352.

34 (b) Notwithstanding ORS 98.352 (4), the governing body shall file the report and deliver  
35 the surplus within 30 days after the date on which the surplus is determined.

36 (3) The report shall include:

37 (a) The information required under ORS 98.352 (2); and

38 (b) An itemized accounting of all allowable costs charged against the property when de-  
39 termining the surplus under section 8 (4) of this 2025 Act.

40 (4) The State Treasurer may adopt rules governing the reports required under this sec-  
41 tion.

42 (5)(a) Except as provided in paragraph (b) of this subsection, no person may maintain an  
43 action for damages incurred as a result of the performance of duties or exercise of authority  
44 under sections 3 to 6 and 8 to 10 of this 2025 Act by the State Treasurer or the respective  
45 officers, employees or agents of the State Treasurer and the several counties.

1       **(b) The immunity provided in paragraph (a) of this subsection does not apply to the li-**  
2 **ability of any person for damages resulting from gross negligence, fraud or abuse.**

3       **SECTION 11.** ORS 98.352 is amended to read:

4       98.352. (1) A holder of property presumed abandoned under ORS 98.302 to 98.436 and 98.992 shall  
5 deliver to the State Treasurer the report described in subsection (2) of this section and shall pay  
6 or deliver to the State Treasurer, for deposit in the Unclaimed Property and Estates Fund, all  
7 property presumed abandoned, except that for the following funds the holder is not required to de-  
8 liver the funds presumed abandoned to the State Treasurer:

9       (a) Funds transferred to the General Fund under ORS 293.455 (1)(a).

10       (b) Funds in the possession of the Child Support Program described in ORS 180.345.

11       (c) Funds described in ORS 9.725 (3) or 98.386 (2) that are held in lawyer trust accounts or in  
12 the possession of the Oregon State Bar.

13       (2) A report must include:

14       (a) Except with respect to traveler's checks and money orders, the name, if known, and address,  
15 if known, of each person appearing from the records of the holder to be the owner of any property  
16 of value of \$50 or more presumed abandoned under ORS 98.302 to 98.436 and 98.992;

17       (b) In case of unclaimed funds of life insurance corporations, the full name of the insured or  
18 annuitant and last-known address according to the life insurance corporation's records;

19       (c) The nature and identifying number, if any, or description of the property and the amount  
20 appearing from the records to be due, except that items of value under \$50 each may be reported  
21 in aggregate;

22       (d) The date when the property became payable, demandable, or returnable, and the date of the  
23 last transaction with the owner with respect to the property; and

24       (e) Other information that the State Treasurer prescribes by rule as necessary for the adminis-  
25 tration of ORS 98.302 to 98.436 and 98.992.

26       (3) If the holder of property presumed abandoned is a successor to other holders or has had a  
27 name change while holding the property, the holder shall file with the report all prior known names  
28 and addresses and effective dates of changes.

29       (4) **Except as otherwise provided under section 10 (2) of this 2025 Act**, the holder shall file  
30 the report after October 1, but no later than November 1, of each year for accounts dormant as of  
31 June 30. Upon written request from any person required to file a report, the State Treasurer may  
32 postpone the reporting date. All records are exempt from public review for 12 months from the time  
33 the property is reportable and for 24 months after the property has been remitted to the State  
34 Treasurer. All lists of records or property held by a government or public authority under ORS  
35 98.336 are exempt from public review until 24 months after the property is remitted to the State  
36 Treasurer.

37       (5) If the holder of property presumed abandoned under ORS 98.302 to 98.436 and 98.992 knows  
38 the whereabouts of the owner and if the owner's claim is not barred by the statute of limitations,  
39 the holder shall, before filing the report, communicate with the owner and take necessary steps to  
40 prevent abandonment from being presumed. The holder shall exercise due diligence to ascertain the  
41 whereabouts of the owner at least 60 days before filing the report.

42       (6) If the property presumed abandoned is a lawyer trust account established by an attorney or  
43 law firm, the report required by this section must indicate that the account is a lawyer trust ac-  
44 count.

45       (7) The holder shall verify the accuracy of the information contained in the report. Verification

1 must be executed by a partner if made by a partnership, by an officer if made by an unincorporated  
2 association or private corporation and by the chief fiscal officer if made by a public corporation.

3  
4 **PROCEDURAL SECTIONS**

5  
6 **SECTION 12. Sections 3 to 6 and 8 to 10 of this 2025 Act are added to and made a part**  
7 **of ORS chapter 312.**

8 **SECTION 13. Applicability to new foreclosures. (1) Sections 3 to 6 and 8 to 10 of this 2025**  
9 **Act and the amendments to ORS 98.352, 279A.025, 312.040 and 312.125 by sections 1, 2, 7 and**  
10 **11 of this 2025 Act apply to claims for which the claimant received notice under ORS 312.125**  
11 **on or after May 25, 2023.**

12 **(2) For claims for a surplus that could arise under section 9 of this 2025 Act with respect**  
13 **to which the claimant received notice under ORS 312.125 before the effective date of this 2025**  
14 **Act, the notice of a surplus required under section 3 of this 2025 Act shall be made within**  
15 **60 days after the effective date of this 2025 Act.**

16  
17 **CAPTIONS**

18  
19 **SECTION 14. The unit and section captions used in this 2025 Act are provided only for**  
20 **the convenience of the reader and do not become part of the statutory law of this state or**  
21 **express any legislative intent in the enactment of this 2025 Act.**

22  
23 **EFFECTIVE DATE**

24  
25 **SECTION 15. This 2025 Act takes effect on the 91st day after the date on which the 2025**  
26 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**

27  
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