

Enrolled House Bill 2287

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Joint Interim Committee on Judiciary for Oregon State Bar Debtor-Creditor Section)

CHAPTER

AN ACT

Relating to recordation of bankruptcy documents; creating new provisions; and amending ORS 93.770 and 205.246.

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

SECTION 1. ORS 93.770 is amended to read:

93.770. (1) A debtor or a trustee in bankruptcy, or the attorney representing either, may present a notice of bankruptcy for recordation in the deed records of a county in which real property that is owned by the debtor or in which the debtor has an interest is located. The notice of bankruptcy may contain a legal description of specific real property, if known, and must:

- (a) Be signed by the individual filing the notice;**
- (b) Be acknowledged in the manner required for acknowledgement of a deed;**
- (c) State the name of the debtor;**
- (d) Identify the district court in which the case is pending, the bankruptcy case number and the bankruptcy chapter filed;**
- (e) State the name, if applicable, of a trustee for the bankruptcy estate of the debtor, an attorney representing the debtor and an attorney representing the trustee; and**
- (f) State that the bankruptcy case affects real property in the county that is owned by the debtor or in which the debtor has an interest.**

(2) Once recorded in the deed records of a county, the notice of bankruptcy may be released by filing for recordation in the same county:

- (a) After expiration of the notice period, a copy of a notice of intent to abandon the real property in a form approved by the bankruptcy court and certified by the clerk of the bankruptcy court;**
- (b) A copy of a judicial order, certified by the clerk of the bankruptcy court, authorizing abandonment of the real property; or**
- (c) A copy of a judicial order, certified by the clerk of the bankruptcy court, authorizing closure or dismissal of the bankruptcy case if the real property was not otherwise administered in the case.**

(3) A copy of the following documents from a bankruptcy case or an adversary proceeding under the federal bankruptcy laws may be presented for recordation in the deed records of a county in which real property that is owned by the debtor or in which the debtor has an interest is located if the copy is certified by the clerk of the bankruptcy court:

(a) [Copies of any] A petition, with the schedules omitted. [, and copies of orders and decrees filed or made and entered in any proceeding under the National Bankruptcy Act which have been certified by the clerk of the United States District Court for the District of Oregon, shall be entitled to be recorded in the deed records of any county where the bankrupt owns or has an interest in real property]

(b) **An order or judgment filed and entered.**

SECTION 2. ORS 205.246 is amended to read:

205.246. (1) The county clerk shall record the following instruments required or permitted by law to be recorded and entered in the office of the county clerk:

- (a) Financing statements recorded in the office of the county clerk under ORS 79.0501 (1)(a);
- (b) Hospital and physician liens recorded under ORS 87.565;
- (c) Federal tax liens and certificates and notices affecting federal tax liens recorded under ORS 87.806;
- (d) Cooperative contracts recorded under ORS 62.360;
- (e) Special district assessments attaching to real property;
- (f) Lien foreclosure statements recorded under ORS 87.202;
- (g) A certified copy of the judgment or a lien record abstract or other liens affecting the title to real property;
- (h) Building code exemptions required under ORS 455.320 and 455.345;
- (i) Construction liens recorded under ORS 87.050;
- (j) Liens upon chattels recorded under ORS 87.246;
- (k) Liens on real property recorded under ORS 87.372;
- (L) Employee benefit plan liens recorded under ORS 87.860;
- (m) Attorney liens recorded under ORS 87.455 and 87.460;
- (n) Long term care liens recorded under ORS 87.517;
- (o) Ambulance services liens recorded under ORS 87.623;
- (p) Community property records recorded under ORS 108.530;
- (q) Sheriff transfer of records recorded under ORS 206.100;
- (r) Corrected instruments required under ORS 205.244;
- (s) Mineral and mining records required under ORS 517.030, 517.052, 517.160, 517.180, 517.210, 517.220, 517.280, 517.310 and 517.320;
- (t) Copies of records certified by a county clerk or court clerk;
- (u) Subdivision and partition plats recorded under ORS 92.140;
- (v) Condominiums recorded under ORS chapter 100; [and]
- (w) Requests for notice of transfer or encumbrance or terminations of requests for notice of transfer or encumbrance presented for recordation under ORS 411.694; **and**

(x) **Bankruptcy documents presented for recordation under ORS 93.770.**

(2) The county clerk shall charge and collect fees specified in ORS 205.320, 205.327 and 205.350 for recording [any] **an** instrument required to be recorded under subsection (1) of this section.

(3) Indexes may be maintained for instruments recorded under subsection (1) of this section in the same manner as provided in ORS 205.160.

SECTION 3. The amendments to ORS 93.770 and 205.246 by sections 1 and 2 of this 2005 Act apply to bankruptcy documents presented for recordation on or after the effective date of this 2005 Act.

Passed by House February 15, 2005

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Chief Clerk of House

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Speaker of House

Passed by Senate May 9, 2005

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President of Senate

Received by Governor:

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Approved:

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Governor

Filed in Office of Secretary of State:

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Secretary of State