

**HOUSE AMENDMENTS TO
A-ENGROSSED SENATE BILL 920
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By COMMITTEE ON JUDICIARY

June 30

1 On page 1 of the printed A-engrossed bill, line 3, after “18.505,” insert “18.512.”

2 In line 28, after the period insert “The writ must contain a mailing address for the judgment
3 creditor.”.

4 On page 2, line 24, after “debtor” insert “to be levied on”.

5 In line 37, after the period insert “If the sheriff levies on property under this subsection, the
6 sheriff must record a copy of the notice of levy in the County Clerk Lien Record for any county not
7 served by the sheriff.”.

8 In line 38, delete “issuance” and insert “delivery”.

9 In line 42, delete “The recorded documents must contain”.

10 In line 43, after “property” insert “must be included in, or attached to, the copy of the writ or
11 the abstract”.

12 On page 3, line 9, before the period insert “as long as the execution sale occurs no later than
13 150 days after the sheriff receives the writ”.

14 In line 10, after the period insert “For good cause shown, the court that issued the writ may
15 extend the time for a return on the writ beyond the time provided by this subsection.”.

16 Delete lines 18 and 19 and insert:

17 “(3) The return on a writ of execution must reflect the amount of costs of sale claimed by the
18 judgment creditor under section 35 (2) of this 2005 Act. The judgment creditor must provide the
19 sheriff with a statement of the costs claimed on or before the date of the execution sale.

20 “(4) The sheriff shall mail a copy of the return by first class mail to the judgment debtor and
21 to the judgment creditor.”.

22 In line 24, after the period insert “The instructions must be signed by the judgment creditor or
23 the judgment creditor’s attorney.”.

24 In line 26, after “of” insert “the judgment creditor and”.

25 In line 33, after “property” insert “or interest in real property”.

26 In line 44, after “rendered” insert “temporarily”.

27 On page 5, line 23, delete the first “any”.

28 Delete lines 43 through 45 and insert:

29 “(3) Unless the writ directs the sheriff to sell or deliver specific real or personal property pur-
30 suant to the terms of the judgment, in addition to the copy of the writ required under subsection (1)
31 of this section the sheriff shall mail or deliver to each judgment debtor:

32 “(a) A copy of the notice of levy or a statement of the date and time of the levy; and

33 “(b) A challenge to execution form as provided by ORS 18.512.”.

34 On page 6, delete line 1.

1 On page 8, line 17, before “amount” insert “allowed”.

2 Delete lines 25 and 26 and insert “list in the instructions required by section 7 of this 2005 Act

3 the names and addresses of all persons entitled to written notice of the execution sale. For each

4 person”.

5 On page 9, line 31, delete “20” and insert “10”.

6 In line 38, after “(4)” insert “or (5)”.

7 Delete line 45 and insert “creditor must provide a copy of the order to the sheriff.”.

8 On page 10, delete line 1.

9 In line 25, delete “may” and insert “shall”.

10 On page 11, delete lines 6 and 7 and insert:

11 “(2) A judgment creditor that is a public body, as defined in ORS 174.109, may set a minimum

12 bid amount for property to be sold at an execution sale.”.

13 In line 16, after “property” insert “that is subject to redemption”.

14 In line 40, delete the second “on the” and insert “three business days”.

15 In line 41, delete “next business day”.

16 On page 12, delete lines 5 through 45 and insert:

17 **“SECTION 28. Bid by judgment creditor. (1) A judgment creditor may make oral bids for**

18 **property to be sold at an execution sale. If the oral bid of the judgment creditor is the**

19 **highest bid, the judgment creditor need not make any payment to the sheriff other than for:**

20 **“(a) Any unpaid sheriff’s fees for the execution sale;**

21 **“(b) The amount of an exemption claimed by the debtor that the judgment creditor**

22 **agrees to or that a court has determined applies to the property; and**

23 **“(c) Any amount bid by the judgment creditor that exceeds the full amount of the money**

24 **award, calculated as of the date that the sale is to be conducted, plus the costs of the sale**

25 **as described in section 35 (2) of this 2005 Act that have been paid by the judgment creditor.**

26 **“(2) A judgment creditor may submit a written bid for property to be sold in an execution**

27 **sale before the sale is conducted. A bid under this subsection may not be for more than the**

28 **full amount of the money award, calculated as of the date that the sale is to be conducted,**

29 **plus the costs of the sale that are recoverable by the judgment creditor as described in sec-**

30 **tion 35 (2) of this 2005 Act. A bid under this subsection must be received by the sheriff not**

31 **less than 48 hours before the sale is conducted. The sheriff may rely on the judgment cred-**

32 **itor’s calculation of the amount due under the money award and for the costs of sale, and**

33 **is not required to make a separate calculation. If the written bid of the judgment creditor**

34 **is the highest bid, the judgment creditor need not make any payment to the sheriff other**

35 **than for:**

36 **“(a) Any unpaid sheriff’s fees for the execution sale; and**

37 **“(b) The amount of an exemption claimed by the debtor that the judgment creditor**

38 **agrees to or that a court has determined applies to the property.**

39 **“(3) A judgment creditor may instruct the sheriff to accept any bid that matches the**

40 **amount of the bid made by the judgment creditor under subsection (2) of this section.**

41 **“(4) A written bid under subsection (2) of this section is irrevocable, but the judgment**

42 **creditor who submits the written bid may make an oral bid at the time of the sale that is**

43 **higher than the written bid.**

44 **“(5) A judgment creditor must notify the sheriff of any amounts included in a bid made**

45 **by the judgment creditor that are attributable to costs of sale under section 35 (2) of this**

1 2005 Act.

2 **“SECTION 29. Manner of payment.** (1) Except as provided in this section, a sheriff shall
3 accept as payment from a purchaser of real property at an execution sale a cashier’s check
4 or cash. Except as provided in this section, a sheriff shall accept any combination of cash-
5 ier’s checks or cash that is adequate to pay the purchase price.

6 **“(2) A sheriff shall accept a cashier’s check as payment from a purchaser at an execution**
7 **sale only if the cashier’s check is made payable to the sheriff and is drawn on a financial**
8 **institution that is authorized to do business under the laws of Oregon or the United States.**

9 **“(3) If any part of the purchase price at an execution sale is paid with a cashier’s check,**
10 **the sheriff shall give the purchaser a receipt for the funds in lieu of a certificate of sale**
11 **under section 31 of this 2005 Act. The receipt must state that the purchaser is the successful**
12 **bidder and must describe the property sold.**

13 **“(4) If any part of the purchase price at an execution sale is paid with a cashier’s check,**
14 **the sheriff shall deposit the check in a financial institution not later than the end of the first**
15 **business day after the day on which the sale is conducted. The check must be deposited in**
16 **a separate account.**

17 **“(5) If the sheriff receives verification from a financial institution within 15 days after**
18 **the date of the execution sale that all cashier’s checks delivered to the sheriff for a purchase**
19 **have received final settlement, the sale is effective as of the date and hour of the sale, and**
20 **the purchaser has priority over any interest acquired in the real property after that time.**
21 **The sheriff shall thereafter:**

22 **“(a) Mail to the purchaser by first class mail a certificate of sale as provided under sec-**
23 **tion 31 of this 2005 Act for all real property purchased; and**

24 **“(b) Deliver the net proceeds of the sale to the court administrator or other official as**
25 **provided by law.**

26 **“(6) Subject to subsection (8) of this section, if the sheriff does not receive verification**
27 **from a financial institution within 15 days after the date of the sale that all cashier’s checks**
28 **delivered to the sheriff for a purchase have received final settlement, the sale is void and the**
29 **sheriff shall return to the purchaser any cash tendered by the purchaser and any amounts**
30 **received for cashier’s checks for which final settlement was received, less any bank charges**
31 **incurred for cashier’s checks and any other amount allowed by law.**

32 **“(7) If any part of the purchase price at an execution sale is paid with a cashier’s check,**
33 **and the return date for the writ that is the basis for the sale is less than 18 days after the**
34 **date of the sale, the return date is automatically extended to 18 days after the date of the**
35 **sale.**

36 **“(8) The judgment creditor may extend by a period of not more than 60 days the time for**
37 **the sheriff to receive verification of a cashier’s check provided for in subsections (5) and (6)**
38 **of this section. If the judgment creditor extends the time for the sheriff to receive verifica-**
39 **tion of a cashier’s check, the return date for the writ is automatically extended three busi-**
40 **ness days after the date specified by the judgment creditor.**

41 **“(9) A judgment creditor may elect to pursue remedies under ORS chapter 73 by reason**
42 **of the failure of a financial institution to honor a cashier’s check tendered under this sec-**
43 **tion, as though the judgment creditor had been the person to whom the check was payable.**

44 **“(10) As used in this section:**

45 **“(a) ‘Cashier’s check’ has the meaning given that term in ORS 73.0104.**

1 **“(b) ‘Financial institution’ has the meaning given that term in ORS 706.008.”.**
2 On page 13, delete lines 1 through 28.
3 On page 14, line 18, delete “Oregon law gives you” and insert “You may have”.
4 Delete lines 23 and 24 and insert:
5 “The law on the rights of a person whose property is sold to satisfy a court judgment is found
6 in sections 37a to 48 of this 2005 Act. You must follow exactly the instructions provided there.”.
7 On page 15, line 5, delete “within” and insert “no later than”.
8 In line 26, after the comma insert “and deduction of all other amounts required by law,”.
9 In line 28, after the second period insert “An order directing distribution to the judgment
10 creditor may be entered ex parte.”.
11 After line 34, insert:
12 “(d) Amounts that may be recovered by the judgment creditor under ORS 18.910;”.
13 In line 35, delete “(d)” and insert “(e)”.
14 In line 36, delete “(e)” and insert “(f)”.
15 On page 19, line 28, delete “(c)” and insert “(d)”.
16 Delete lines 34 through 40.
17 On page 20, delete lines 5 through 29 and insert:
18 **“SECTION 44e. Payment of redemption amount. (1) Except as provided in section 45 (2)**
19 **and (4) of this 2005 Act, unless a certificate holder has indicated a lower redemption amount**
20 **in the certificate holder’s response under section 44c of this 2005 Act, a claimant shall pay**
21 **the sheriff at least the redemption amount specified in the notice on or before the payment**
22 **date specified in the redemption notice. If the claimant does not make payment as required**
23 **by this subsection, the redemption notice is of no effect.**
24 **“(2) The sheriff shall issue to the claimant who makes payment under this section a**
25 **certificate of redemption on the payment date specified in the redemption notice unless:**
26 **“(a) Before the payment date specified in the notice, an objection is filed with the sheriff**
27 **in the manner required by section 44b of this 2005 Act;**
28 **“(b) Before the payment date specified in the notice, a response is filed with the sheriff**
29 **in the manner required by section 44c of this 2005 Act, and the claimant fails to pay addi-**
30 **tional amounts claimed in the response on the payment date specified in the notice;**
31 **“(c) An objection to a response is delivered to the sheriff with the payment in the manner**
32 **required by section 44d of this 2005 Act; or**
33 **“(d) The calculations or other documentation provided to the sheriff appear irregular to**
34 **the sheriff.**
35 **“(3) If the calculations or other documentation provided to the sheriff appear irregular**
36 **to the sheriff, and the claimant objects to the failure of the sheriff to issue a certificate of**
37 **redemption pursuant to subsection (2)(d) of this section, the sheriff shall give written notice**
38 **to the court of the objection pursuant to section 53 of this 2005 Act.**
39 **“(4) If a claimant pays the sheriff the redemption amount specified in the redemption**
40 **notice, but the sheriff does not issue a certificate of redemption pursuant to subsection (2)**
41 **of this section, the sheriff shall give the claimant a receipt for the funds in lieu of a certif-**
42 **icate of redemption.**
43 **“(5) If a response is filed with the sheriff in the manner required by section 44c of this**
44 **2005 Act before the payment date specified in the notice, and the claimant makes payment**
45 **as required by subsection (1) of this section but fails to pay additional amounts claimed in**

1 the response, the redemption notice is of no effect and the sheriff shall return the payment
2 to the claimant unless:

3 “(a) The claimant objects to the response in the manner provided by section 44d of this
4 2005 Act; or

5 “(b) The claimant pays additional amounts claimed in the response, plus interest, in the
6 manner provided by subsection (6) of this section.

7 “(6) If a response is filed with the sheriff in the manner required by section 44c of this
8 2005 Act before the payment date specified in the notice, and the claimant makes payment
9 as required by subsection (1) of this section but fails to pay additional amounts claimed in
10 the response, the sheriff shall issue a certificate of redemption to the claimant dated as of
11 the date that the receipt was issued under subsection (4) of this section if the claimant pays
12 additional amounts claimed in the response, plus interest, within seven days after the date
13 the receipt was issued.”.

14 On page 21, after line 27, insert:

15 “(d) The amount owing on the lien of the certificate holder, if the certificate holder is a
16 redemptioner.”.

17 In line 28, delete “(d)” and insert “(e)”.

18 On page 22, delete lines 1 through 34 and insert:

19 “**SECTION 46. Manner of payment.** (1) Except as provided in this section, a sheriff shall
20 accept as payment from a claimant a cashier’s check or cash. Except as provided in this
21 section, a sheriff shall accept any combination of cashier’s checks or cash that is adequate
22 to pay the redemption amount.

23 “(2) A sheriff shall accept a cashier’s check as payment only if the cashier’s check is
24 made payable to the sheriff and is drawn on a financial institution that is authorized to do
25 business under the laws of Oregon or the United States. If any part of the redemption
26 amount is paid with a cashier’s check, the sheriff shall give the purchaser a receipt for the
27 funds in lieu of a certificate of redemption under section 44e of this 2005 Act.

28 “(3) If any part of the redemption amount is paid with a cashier’s check, the sheriff shall
29 deposit the check in a financial institution not later than the end of the first business day
30 after the day on which the check is received. The check must be deposited in a separate
31 account.

32 “(4) If the sheriff receives verification from a financial institution within 15 days after
33 the date of the redemption that all cashier’s checks delivered to the sheriff for the redemp-
34 tion have received final settlement, and the sheriff is required to give a certificate of re-
35 demption under section 44e of this 2005 Act, the sheriff shall mail to the claimant by first
36 class mail a certificate of redemption and deliver to the certificate holder all amounts paid
37 to the sheriff. If the sheriff is not required to give a certificate of redemption under section
38 44e of this 2005 Act, the sheriff shall give the person tendering the amounts a receipt for the
39 funds in lieu of a certificate of redemption, and shall deliver a certificate of redemption and
40 the amounts paid to the sheriff only as provided in section 44f of this 2005 Act after a final
41 decision by the court.

42 “(5) If the sheriff does not receive verification from a financial institution within 15 days
43 after the checks are deposited that all cashier’s checks delivered to the sheriff have received
44 final settlement, the redemption is void and the sheriff shall return to the claimant any cash
45 tendered by the claimant and any amounts received for cashier’s checks for which final

1 settlement was received, less any bank charges incurred for cashier's checks and any other
2 amount allowed by law.

3 **“(6) As used in this section:**

4 **“(a) ‘Cashier’s check’ has the meaning given that term in ORS 73.0104.**

5 **“(b) ‘Financial institution’ has the meaning given that term in ORS 706.008.”.**

6 On page 23, line 17, delete “purchaser or redemptioner” and insert “certificate holder”.

7 On page 24, line 23, after “due” insert “when the writ of garnishment is delivered or”.

8 In line 35, after “Act” insert a period and delete the rest of the line and delete lines 36 and 37.

9 On page 28, delete lines 38 through 41 and insert:

10 “(4) The provisions of subsections (1), (2), (3) and (7) of this section do not apply to:

11 “(a) Construction liens for work, labor or material done or furnished exclusively for the im-
12 provement of the manufactured dwelling or floating home;

13 “(b) Purchase money liens;

14 “(c) Mortgages;

15 “(d) Executions issued on a judgment recovered for the purchase price; or

16 “(e) The enforcement of a seller’s rights under a land sale contract, as defined in section 37a
17 of this 2005 Act.”.

18 On page 29, line 19, delete “and” and insert “or”.

19 After line 33, insert:

20 **“SECTION 59a. If House Bill 2359 becomes law, section 59 of this 2005 Act (amending ORS**
21 **18.428) is repealed and ORS 18.428, as amended by section 24, chapter __, Oregon Laws 2005**
22 **(Enrolled House Bill 2359), is amended to read:**

23 “18.428. (1) **Except as otherwise provided by law, a [mobile home,] manufactured dwelling**
24 **or floating home** and the property upon which the [mobile home] **manufactured dwelling or**
25 **floating home** is situated[, *that is the actual abode of and occupied by the owner, or the owner’s*
26 *spouse, parent or child, when that mobile home is occupied as a sole residence and no other homestead*
27 *exemption exists, shall be] **are** exempt from execution and from liability in any form for the debts
28 of the owner to the value of \$23,000[, *except as otherwise provided by law] **if the manufactured****

29 **dwelling or floating home is the actual abode of and occupied by the owner, or by the spouse,**
30 **parent or child of the owner, the manufactured dwelling or floating home is occupied as a**
31 **sole residence and no other homestead exemption exists.** When two or more members of a
32 household are debtors whose interests in the homestead are subject to sale on execution, the lien
33 of a judgment or liability in any form, their combined exemptions under this section may not exceed
34 \$30,000. The exemption shall be effective without the necessity of a claim thereof by the judgment
35 debtor.

36 “(2) The exemption provided for in subsection (1) of this section is not impaired by temporary
37 removal or absence with the intention to reoccupy the [mobile property] **manufactured dwelling**
38 **or floating home** as a home, nor by the sale thereof, but shall extend to the proceeds derived from
39 such sale up to \$23,000 or \$30,000, whichever amount is applicable under subsection (1) of this sec-
40 tion, while the proceeds are held for a period not exceeding one year and with the intention to
41 procure another [mobile home or other] homestead [therewith] **with those proceeds.**

42 “(3) Upon the issuance of an order authorizing sale as [provided in ORS 18.536] **required by**
43 **section 16 of this 2005 Act,** the [levying officer] **sheriff** may proceed to [advertise and] sell the
44 premises and, if the homestead exemption applies, out of the proceeds pay the [mobile home] owner
45 the sum of \$23,000 or \$30,000, whichever amount is applicable under subsection (1) of this section,

1 and apply the balance of the proceeds on the execution. However, no sale shall be made where the
2 homestead exemption applies unless the sum bid for the property is in excess of the sum of the costs
3 of sale and \$23,000 or \$30,000, whichever amount is applicable. If no such bid is received, the ex-
4 pense of the *[advertising and preparation for]* sale shall be borne by the petitioner.

5 “[*4*] *The provisions of subsections (1), (2), (3) and (7) of this section do not apply to construction*
6 *liens for work, labor or material done or furnished exclusively for the improvement of the mobile home,*
7 *or to purchase money liens and to mortgages lawfully executed, or to executions issued on a judgment*
8 *recovered for the purchase price.]*

9 “(4) **The provisions of subsections (1), (2), (3) and (7) of this section do not apply to:**

10 “(a) **Construction liens for work, labor or material done or furnished exclusively for the**
11 **improvement of the manufactured dwelling or floating home;**

12 “(b) **Purchase money liens;**

13 “(c) **Mortgages;**

14 “(d) **Executions issued on a judgment recovered for the purchase price; or**

15 “(e) **The enforcement of a seller’s rights under a land sale contract, as defined in section**
16 **37a of this 2005 Act.**

17 “(5) If a debtor owns a *[mobile home]* **manufactured dwelling or floating home** but not the
18 property upon which the *[mobile home]* **manufactured dwelling or floating home** is situated, sub-
19 subsections (1), (2), (3) and (4) of this section *[shall]* apply, but the value of the debtor’s interest exempt
20 from execution and liability may not exceed \$20,000 for an individual debtor, or \$27,000 when two
21 or more members of a household are debtors whose interests in the homestead are subject to exe-
22 cution or liability in any form.

23 “(6) When the owner of a homestead under this section has been granted a discharge in bank-
24 ruptcy or has conveyed the property, the value thereof, for the purpose of determining a leviable
25 interest in excess of the homestead exemption, shall be the value on the date of the petition in
26 bankruptcy, whether the value is determined in the bankruptcy proceedings or not, or on the date
27 the conveyance becomes effective, whichever shall first occur.

28 “(7) Except as provided in subsection (9) of this section, *[no mobile home]* **a manufactured**
29 **dwelling or floating home, [or] and the** property upon which the *[mobile home]* **manufactured**
30 **dwelling or floating home** is situated, that is the actual abode of and occupied by the judgment
31 debtor, or that is the actual abode of and occupied by a spouse, dependent parent or dependent child
32 of the judgment debtor, *[shall]* **may not** be sold on execution to satisfy a judgment that at the time
33 of entry does not exceed \$3,000. The judgment shall remain a lien upon the real property owned by
34 the judgment debtor and upon which the *[mobile home]* **manufactured dwelling or floating home**
35 is situated, and the *[mobile home]* **manufactured dwelling or floating home** and real property upon
36 which *[it]* **the manufactured dwelling or floating home** is situated may be sold on execution:

37 “(a) At any time after the sale of the *[mobile home]* **manufactured dwelling or floating home**
38 **by the judgment debtor, or the sale of the** real property **on which the manufactured dwelling**
39 **or floating home is situated** by the judgment debtor; *[and]* **or**

40 “(b) At any time after the *[mobile home]* **manufactured dwelling or floating home** *[or real*
41 *property]* is no longer the actual abode of and occupied by the judgment debtor or the spouse, de-
42 pendent parent or dependent child of the judgment debtor.

43 “(8) The limitation on execution sales imposed by subsection (7) of this section is not impaired
44 by temporary removal or absence with the intention to reoccupy the *[mobile home]* **manufactured**
45 **dwelling, floating home** and property as a home.

1 “(9) The limitation on execution sales imposed by subsection (7) of this section does not apply
2 if two or more judgments are owing to a single judgment creditor and the total amount owing to the
3 judgment creditor, determined by adding the amount of each individual judgment as of the date the
4 judgment was entered, is greater than \$3,000.

5 “(10) As used in this section[, *unless the context requires otherwise, ‘mobile home’ includes, but*
6 *is not limited to, a houseboat.*]:

7 “(a) **‘Floating home’ has the meaning given that term in ORS 830.700.**

8 “(b) **‘Manufactured dwelling’ has the meaning given that term in ORS 446.003.**”.

9 On page 30, line 14, delete “person who requested issuance of the writ.” and insert “judgment
10 creditor. Upon receiving a copy of the challenge, the judgment creditor shall promptly notify the
11 sheriff of the challenge.”.

12 After line 23, insert:

13 “**SECTION 61a.** ORS 18.512 is amended to read:

14 “18.512. (1) The challenge to execution form described in this section does not expand or restrict
15 the law relating to exempt property. A determination as to whether property is exempt from at-
16 tachment or execution must be made by reference to other law. The form provided in this section
17 may be modified to provide more information or to update the notice based on subsequent changes
18 in exemption laws.

19 “(2) A challenge to execution form must be in substantially the following form:

20 “ _____

21
22 _____ COURT
23 COUNTY OF _____

24
25 _____) CHALLENGE TO
26 Plaintiff,) EXECUTION
27)
28 vs.) Case No. _____
29)
30 _____)
31 Defendant.)

32
33 THIS FORM MAY BE USED BY THE DEBTOR ONLY TO CLAIM SUCH EXEMPTIONS
34 FROM EXECUTION AS ARE PERMITTED BY LAW.

35
36 THIS FORM MAY BE USED BY PERSONS OTHER THAN THE DEBTOR ONLY TO CLAIM
37 AN INTEREST IN THE PROPERTY THAT IS TO BE SOLD ON EXECUTION.

38
39 THIS FORM MAY NOT BE USED TO CHALLENGE THE VALIDITY OF THE DEBT.

40
41 I/We claim that the following described property or money is exempt from execution:
42 _____
43 _____
44 _____
45

1 I/We believe this property is exempt from execution because (the Notice of Exempt Property at
2 the end of this form describes most types of property that you can claim as exempt from execution):

3 _____
4
5 _____

6
7
8 I am a person other than the Debtor and I have the following interest in the property:

9 _____
10
11 _____

12
13
14 Name _____ Name _____
15 Signature _____ Signature _____
16 Address _____ Address _____
17 _____
18 Telephone Telephone
19 Number _____ Number _____
20 (Required) (Required)

21
22
23 YOU MUST ACT PROMPTLY IF YOU WANT TO GET YOUR MONEY OR PROPERTY BACK.

24 You may seek to reclaim your exempt property by doing the following:

25 (1) Fill out the Challenge to Execution form that you received with this notice.

26 (2) Mail or deliver the Challenge to Execution form to the court administrator at the address
27 shown on the writ of execution.

28 **(3) Mail or deliver a copy of the Challenge to Execution form to the judgment creditor**
29 **at the address shown on the writ of execution.**

30 You should be prepared to explain your exemption in court. If you have any questions about the
31 execution or the debt, you should see an attorney.

32
33 YOU MAY USE THE CHALLENGE TO EXECUTION FORM ONLY TO CLAIM SUCH EX-
34 EMPTIONS FROM EXECUTION AS ARE PERMITTED BY LAW.

35
36 YOU MAY NOT USE THE CHALLENGE TO EXECUTION FORM TO CHALLENGE THE
37 VALIDITY OF THE DEBT.

38
39 IF YOU CLAIM AN EXEMPTION IN BAD FAITH, YOU MAY BE SUBJECT TO PENALTIES
40 IMPOSED BY THE COURT THAT COULD INCLUDE A FINE. Penalties that you could be subject
41 to are listed in ORS 18.518.

42
43 NOTICE OF EXEMPT PROPERTY

44
45 Property belonging to you may have been taken or held in order to satisfy a debt. The debt may

1 be reflected in a judgment or in a warrant or order issued by a state agency. Important legal papers
2 are enclosed.

3 YOU MAY BE ABLE TO GET YOUR PROPERTY BACK, SO READ THIS NOTICE CARE-
4 FULLY.

5 State and federal law specify that certain property may not be taken. Some of the property that
6 you may be able to get back is listed below.

7 (1) Wages or a salary as described in ORS 18.375 and 18.385. Whichever of the following
8 amounts is greater:

9 (a) 75 percent of your take-home wages; or

10 (b) \$170 per workweek.

11 (2) Social Security benefits.

12 (3) Supplemental Security Income (SSI).

13 (4) Public assistance (welfare).

14 (5) Unemployment benefits.

15 (6) Disability benefits (other than SSI benefits).

16 (7) Workers' compensation benefits.

17 (8) Exempt wages, Social Security benefits (other than SSI), welfare, unemployment benefits and
18 disability benefits when placed in a checking or savings account (up to \$7,500).

19 (9) Spousal support, child support or separate maintenance to the extent reasonably necessary
20 for your support or the support of any of your dependents.

21 (10) A homestead (home, farm, manufactured dwelling or houseboat) if you live in it, to the value
22 of \$20,000 (\$23,000 for a manufactured dwelling with land included; \$25,000 for any other homestead
23 with land included) or proceeds from its sale for one year.

24 (11) Household goods, furniture, radios, a television set and utensils with a combined value not
25 to exceed \$3,000.

26 *(12) An automobile, truck, trailer or other vehicle with a value not to exceed \$1,700.

27 *(13) Tools, implements, apparatus, team, harness or library that are necessary to carry on your
28 occupation, with a combined value not to exceed \$3,000.

29 *(14) Books, pictures and musical instruments with a combined value not to exceed \$600.

30 *(15) Wearing apparel, jewelry and other personal items with a combined value not to exceed
31 \$1,800.

32 (16) Domestic animals and poultry for family use with a combined value not to exceed \$1,000
33 and their food for 60 days.

34 (17) Provisions (food) and fuel for your family for 60 days.

35 (18) One rifle or shotgun and one pistol. The combined value of all firearms claimed as exempt
36 may not exceed \$1,000.

37 (19) Public or private pensions.

38 (20) Veterans' benefits and loans.

39 (21) Medical assistance benefits.

40 (22) Health insurance proceeds and disability proceeds of life insurance policies.

41 (23) Cash surrender value of life insurance policies not payable to your estate.

42 (24) Federal annuities.

43 (25) Other annuities to \$250 per month (excess over \$250 per month is subject to the same ex-
44 emption as wages).

45 (26) Professionally prescribed health aids for you or any of your dependents.

1 THIS FORM MAY BE USED BY THE DEBTOR ONLY TO CLAIM SUCH EXEMPTIONS
2 FROM EXECUTION AS ARE PERMITTED BY LAW.

3
4 THIS FORM MAY BE USED BY PERSONS OTHER THAN THE DEBTOR ONLY TO CLAIM
5 AN INTEREST IN THE PROPERTY THAT IS TO BE SOLD ON EXECUTION.

6
7 THIS FORM MAY NOT BE USED TO CHALLENGE THE VALIDITY OF THE DEBT.

8
9 I/We claim that the following described property or money is exempt from execution:

10 _____
11
12 _____

13
14
15 I/We believe this property is exempt from execution because (the Notice of Exempt Property at
16 the end of this form describes most types of property that you can claim as exempt from execution):

17 _____
18
19 _____

20
21
22 I am a person other than the Debtor and I have the following interest in the property:

23 _____
24
25 _____

26
27
28 Name _____ Name _____
29 Signature _____ Signature _____
30 Address _____ Address _____
31 _____
32 Telephone Telephone
33 Number _____ Number _____
34 (Required) (Required)

35
36
37 YOU MUST ACT PROMPTLY IF YOU WANT TO GET YOUR MONEY OR PROPERTY BACK.

38 You may seek to reclaim your exempt property by doing the following:

39 (1) Fill out the Challenge to Execution form that you received with this notice.

40 (2) Mail or deliver the Challenge to Execution form to the court administrator at the address
41 shown on the writ of execution.

42 (3) Mail or deliver a copy of the Challenge to Execution form to the [*person who requested is-*
43 *suance of the writ*] **judgment creditor** at the address shown on the writ of execution.

44 You should be prepared to explain your exemption in court. If you have any questions about the
45 execution or the debt, you should see an attorney.

1 YOU MAY USE THE CHALLENGE TO EXECUTION FORM ONLY TO CLAIM SUCH EX-
2 EMPTIONS FROM EXECUTION AS ARE PERMITTED BY LAW.

3
4 YOU MAY NOT USE THE CHALLENGE TO EXECUTION FORM TO CHALLENGE THE
5 VALIDITY OF THE DEBT.

6
7 IF YOU CLAIM AN EXEMPTION IN BAD FAITH, YOU MAY BE SUBJECT TO PENALTIES
8 IMPOSED BY THE COURT THAT COULD INCLUDE A FINE. Penalties that you could be subject
9 to are listed in ORS 18.518.

10
11 NOTICE OF EXEMPT PROPERTY

12
13 Property belonging to you may have been taken or held in order to satisfy a debt. The debt may
14 be reflected in a judgment or in a warrant or order issued by a state agency. Important legal papers
15 are enclosed.

16 YOU MAY BE ABLE TO GET YOUR PROPERTY BACK, SO READ THIS NOTICE CARE-
17 FULLY.

18 State and federal law specify that certain property may not be taken. Some of the property that
19 you may be able to get back is listed below.

20 (1) Wages or a salary as described in ORS 18.375 and 18.385. Whichever of the following
21 amounts is greater:

22 (a) 75 percent of your take-home wages; or

23 (b) \$170 per workweek.

24 (2) Social Security benefits.

25 (3) Supplemental Security Income (SSI).

26 (4) Public assistance (welfare).

27 (5) Unemployment benefits.

28 (6) Disability benefits (other than SSI benefits).

29 (7) Workers' compensation benefits.

30 (8) Exempt wages, Social Security benefits (other than SSI), welfare, unemployment benefits and
31 disability benefits when placed in a checking or savings account (up to \$7,500).

32 (9) Spousal support, child support or separate maintenance to the extent reasonably necessary
33 for your support or the support of any of your dependents.

34 (10) A homestead (home, farm, manufactured dwelling or houseboat) if you live in it, to the value
35 of \$20,000 (\$23,000 for a manufactured dwelling with land included; \$25,000 for any other homestead
36 with land included) or proceeds from its sale for one year.

37 (11) Household goods, furniture, radios, a television set and utensils with a combined value not
38 to exceed \$3,000.

39 *(12) An automobile, truck, trailer or other vehicle with a value not to exceed \$1,700.

40 *(13) Tools, implements, apparatus, team, harness or library that are necessary to carry on your
41 occupation, with a combined value not to exceed \$3,000.

42 *(14) Books, pictures and musical instruments with a combined value not to exceed \$600.

43 *(15) Wearing apparel, jewelry and other personal items with a combined value not to exceed
44 \$1,800.

45 (16) Domestic animals and poultry for family use with a combined value not to exceed \$1,000

1 and their food for 60 days.

2 (17) Provisions (food) and fuel for your family for 60 days.

3 (18) One rifle or shotgun and one pistol. The combined value of all firearms claimed as exempt
4 may not exceed \$1,000.

5 (19) Public or private pensions.

6 (20) Veterans' benefits and loans.

7 (21) Medical assistance benefits.

8 (22) Health insurance proceeds and disability proceeds of life insurance policies.

9 (23) Cash surrender value of life insurance policies not payable to your estate.

10 (24) Federal annuities.

11 (25) Other annuities to \$250 per month (excess over \$250 per month is subject to the same ex-
12 emption as wages).

13 (26) Professionally prescribed health aids for you or any of your dependents.

14 *(27) Elderly rental assistance allowed pursuant to ORS 310.635.

15 *(28) Your right to receive, or property traceable to:

16 *(a) An award under any crime victim reparation law.

17 *(b) A payment or payments, not exceeding a total of \$10,000, on account of personal bodily in-
18 jury suffered by you or an individual of whom you are a dependent.

19 *(c) A payment in compensation of loss of future earnings of you or an individual of whom you
20 are or were a dependent, to the extent reasonably necessary for your support and the support of
21 any of your dependents.

22 (29) Amounts paid to you as an earned income tax credit under federal tax law.

23 (30) Interest in personal property to the value of \$400, but this cannot be used to increase the
24 amount of any other exemption.

25 (31) Equitable interests in property.

26 Note: If two or more people in your household owe the claim or judgment, each of them may
27 claim the exemptions marked by an asterisk (*).

28
29
30 SPECIAL RULES APPLY FOR DEBTS THAT ARE OWED FOR CHILD SUPPORT AND
31 SPOUSAL SUPPORT. Some property that may not otherwise be taken for payment against the debt
32 may be taken to pay for overdue support. For instance, Social Security benefits, workers' compen-
33 sation benefits, unemployment benefits, veterans' benefits and pensions are normally exempt, but
34 only 75 percent of a lump sum payment of these benefits is exempt if the debt is owed for a support
35 obligation.

36 " _____ " .

37
38 On page 38, after line 2, insert:

39 "**SECTION 68a. If House Bill 2261 becomes law, section 68 of this 2005 Act (amending ORS**
40 **88.080) is repealed and ORS 88.080, as amended by section 56, chapter 22, Oregon Laws 2005**
41 **(Enrolled House Bill 2261), is amended to read:**

42 "88.080. A judgment of foreclosure shall order the mortgaged property sold. Property sold on
43 execution issued upon a judgment may be redeemed in like manner and with like effect as property
44 sold [on] at an execution sale pursuant to [ORS 18.252 to 18.850] sections 1 to 54 of this 2005
45 Act, and not otherwise. A sheriff's deed for property sold on execution issued upon a judgment shall

1 have the same force and effect as a sheriff's deed issued for property sold [on] at an execution sale
2 pursuant to [ORS 18.252 to 18.850] sections 1 to 54 of this 2005 Act.

3 **"SECTION 68b.** If House Bill 2359 becomes law, ORS 88.080, as amended by section 39, chapter
4 ____, Oregon Laws 2005 (Enrolled House Bill 2359), is amended to read:

5 "88.080. A judgment of foreclosure shall order the mortgaged property sold. Property sold on
6 execution issued upon a judgment may be redeemed in like manner and with like effect as property
7 sold [on] at an execution sale pursuant to [ORS 18.486, 18.532, 18.536, 18.538, 18.542, 18.545, 18.548,
8 18.552, 18.555, 18.562, 18.565, 18.568, 18.572, 18.578, 18.582, 18.585, 18.588, 18.594 and 18.598] sections
9 1 to 54 of this 2005 Act, and not otherwise. A sheriff's deed for property sold on execution issued
10 upon a judgment shall have the same force and effect as a sheriff's deed issued for property sold
11 [on] at an execution sale pursuant to [ORS 18.486, 18.532, 18.536, 18.538, 18.542, 18.545, 18.548,
12 18.552, 18.555, 18.562, 18.565, 18.568, 18.572, 18.578, 18.582, 18.585, 18.588, 18.594 and 18.598] sections
13 1 to 54 of this 2005 Act."

14 On page 40, line 30, delete "189.512" and insert "18.512".

15 After line 36, insert:

16 **"SECTION 73a.** Notwithstanding section 24a, chapter ____, Oregon Laws 2005 (Enrolled
17 House Bill 2359) (amending ORS 18.468), if House Bill 2359 becomes law, ORS 18.468 is re-
18 pealed."